SUPERIOR COURT OF THE STATE OF CALIFORNIA
IN AND FOR THE COUNTY OF SANTA BARBARA
SANTA MARIA BRANCH; COOK STREET DIVISION
DEPARTMENT SM-2 HON. RODNEY S. MELVILLE, JUDGE

THE PEOPLE OF THE STATE OF)
CALIFORNIA,)
Plaintiff,)
-vs-) No. 1133603
MICHAEL JOE JACKSON,)
Defendant.)

REPORTER'S TRANSCRIPT OF PROCEEDINGS

FRIDAY, JUNE 3, 2005

8:30 A.M.

(PAGES 12930 THROUGH 13055)

REPORTED MICHELE MATTSON McNEIL, RPR, CRR, CSR #3304
BY: Official Court Reporter 12930

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Santa Maria, California
Friday, June 3, 2005
8:30 a.m.

THE COURT: Good morning, everyone.
COUNSEL AT COUNSEL TABLE: (In unison)
Good morning, Your Honor.
THE COURT: Mr. Mesereau?
MR. MESEREAU: Thank you, Your Honor.
Good morning.
THE JURY: (In unison) Good morning.
MR. MESEREAU: Ladies and gentlemen,
yesterday I summed up for you a history of con
artists, actors and liars in the Arvizo family. I
talked about welfare fraud. I talked about perjury.
I talked about the J.C. Penney case. I talked about
fake disability claims. Fake food stamp claims.
Fake unemployment claims. Signing documents under
penalty of perjury that are false. I talked about
fake bank accounts.
I talked about Janet Arvizo putting her
children on stage to do plays about their poverty.
I talked about Gavin being an actor.
Chris Tucker telling you that he was cunning
and smart; that he didn't trust him; that he warned
Michael Jackson, "Stay away. Something is wrong
with these people."
And unfortunately, Michael didn't listen. 12932

With respect to the issue of actors, please consider, additionally, the following: Gavin Arvizo testified that when he went to Neverland to do the Bashir documentary, he thought it was an audition. Janet Arvizo in the rebuttal video testified her children wanted to be in movies. There is evidence that Star wanted to be in a documentary and that's why Michael Jackson did the Neverland documentary that Star narrated. These people wanted to be actors. They wanted to be around celebrities. They are actors. And Paralegal Mary Holzer told you that Janet admitted to her that Gavin knew his lines, Star had trouble, and she was coaching these kids in the J.C. Penney case.

I told you that the J.C. Penney case had two primary players, Janet and Gavin. It began with Gavin shoplifting, and his testimony under oath at a very young age buttressed Janet's fraudulent claims. You can't just look at the Arvizo family in terms of Janet's misdeeds. You've got to look at the whole group. You've got to look at broad scams. David, as I said yesterday, was more like a bull in a china shop. He just comes out and says, "Give me money."

Janet's much more sophisticated. She gets to know you. She hugs you. She loves you. You're part of her family. And then she tells you a tale 12933

of woe and she gets money.
Hamid was the classic example. She tells
him her tales of woe, and he writes her a $2,000
check, and he hardly knows her.
Now, Mr. Zonen yesterday made a broad
statement to you, and you have to take his broad
statements and put them under a microscope in the
jury room. He said, “Michael Jackson shows adult
material to kids.”
My question to you is, who?
Macaulay Culkin never said he showed him
anything. Wade Robson never said he showed him
anything. Brett Barnes never said he showed him
anything. Jordie Chandler didn’t testify. And even
Jason Francia, who said he was improperly tickled,
never testified that Mr. Jackson showed him any
adult material.
The only people who have come before you to
say they were shown adult material by Mr. Jackson
are con artists, actors and liars.
And the only forensic evidence they had to
hang their hat on are fingerprints on some girlie
magazines that were owned by Michael Jackson. And
you know that everywhere the Arvizo children went,
they would rummage through drawers, rummage through
the house. They did it at the dentist’s office.
They did it in Vernee Watson Johnson’s home. This
is the way they behave. 12934

1 And unfortunately, Michael was rather lax
2 and generous, as Kiki Fournier said, too generous in
3 letting people run through his room, run through his
4 house, run through Neverland. And he's paying a
5 price for it right now.
6 But it's not a crime.
7 There is a piece of evidence lacking in the
8 prosecution's case that is very significant,
9 particularly with allegations like this. And let me
10 explain what I'm talking about.
11 Typically, in a sex-crimes-type
12 investigation -- and let's face it, in this case,
13 you've had at least 70 officers running everywhere
14 trying to find anything they can on Michael Jackson
15 because he's a mega celebrity.
16 But typically in this kind of investigation,
17 you have what is called a pretext phone call.
18 Typically, the police will get the alleged victim,
19 they will sit with the alleged victim, and they will
20 talk about making a phone call to the person who's
21 suspected of committing the crime. And I'm sure
22 you're familiar with this from television. They
23 will make the phone call. The so-called victim
24 makes the call, and the so-called victim is told to
25 ask certain questions that are incriminating in
26 nature.
27 For example, Gavin could have called Michael
28 Jackson and said, "Why did you improperly touch me? 12935

Why did you do that to me in bed? Why did you touch me that day we were together? Why, when we were in the wine cellar drinking, did you do this or do that?" And typically the police are listening in, and they're recording it, and that becomes their primary evidence.

Now, particularly in a case like this, where you have no independent witnesses, with credibility, watching the alleged molestation, and you have no forensic evidence to support it, you would think, if they did anything, it would have been a phone call like that.

You know why they didn't do it?

Look at that police interview. Gavin refuses. Doesn't want to make a call to Michael Jackson. And Gavin is someone who has been schooled by his parents to very effortlessly call celebrities, one after another, after another, after another. He's not shy about phone calls. He's not shy about contacting Jay Leno, Chris Tucker, Michael Jackson, Suli McCullough, you name it.

Why no recorded phone conversation with an incriminating statement from Michael Jackson?

Because he knew if he did that, he wouldn't get an incriminating statement, because it didn't happen.

Now, they'll probably tell you he was terrified, he was scared, he was traumatized to be on the phone. That's a bunch of baloney. 12936

I'm going to show you Gavin testified on the witness stand that Michael is a nice person, even in this courtroom. He's not afraid of Michael. He's angry that Michael abandoned his family and didn't take care of them for the rest of their life.
And as I said yesterday, they put demeanor in issue. The only time you ever saw him get angry was when we talked about what Michael really had done for he and his family and what had happened.
And his anger came out when he made the false statement that Michael had done nothing for his family.
Remember, he started using this scripted phrase, "In my 11-year-old mind, I believed George Lopez had done more, because he went to the hospital and bought me clothes. In my 11-year-old mind, I thought others had done more because they were at the hospital. In my 11-year-old mind, Michael Jackson hadn't done much for me at all."
And I went through all the things he had done. The visits to Neverland, the plane flights, the hotel, the truck, all the blood drives, you name it. The gifts, the watch, the jacket. I've probably forgotten half of them.
Michael did all sorts of things for this family. The problem was, they wanted it to continue, and they realized at some point it would not continue. Michael was not going to be their 12937

benefactor for the rest of their life, and that's when all the trouble started.
In that police interview, where the prosecution says you watch the demeanor of a victim, you see a victim of molestation act in an inappropriate way, the way you would expect, you will also see someone who's an actor. You see someone who is acting. And you see someone who's hesitant about condemning Michael Jackson, who fundamentally he likes, because he said he liked him right on the witness stand. I'm going to show you. So you've got to look at that tape with skepticism. You've got to look at it and be very careful with what conclusions you draw, because as I said before, Mr. Robel had already decided he wanted a criminal case. He already decided the Arvizos were victims. He knew nothing about their background as con artists, actors and liars.
I also said to you, when asked, "What's a bad thing?" Gavin never said, "Lie." Never said, "Cheat." Never said, "Steal." He had to struggle. And he talked about killing people, he talked about breaking things. I went back to the transcript. He talks about breaking a window. He talks about staying awake at night.
Now, isn't it normal for a child, when pressed to that extent, "Tell me something else that's wrong. Tell me something else that's wrong. 12938

Tell me something else that's wrong," to say, "Not
tell the truth? To lie"?
He can't say it, because that's the way he's
been raised. And even when he was asked, "How did
you learn right from wrong?" he never really had an
answer to that. He said, "I kind of figured it out
myself." Just look at the tape.
Gavin, as Chris Tucker said, cunning, smart.
He worried him.
And he and Star tried to make it look as if
they were innocent little lambs and Michael taught
them everything about sex. They didn't know what an
erection was until they met Michael. They didn't
know what ejaculation was until they met Michael.
It's all Michael, Michael, Michael.
And I said yesterday, if you convict him of
anything, they are going to be multi-millionaires
through Attorneys Feldman and Dickerman. It's all
set up. They're just waiting. Waiting to
celebrate. Waiting to walk into court. Waiting for
the biggest con of their careers, right here. They
just need you to help them. That's all.
You have to look at the changing stories.
You have to look at the inconsistent statements by
Gavin and Star, because they're the only witnesses
to this so-called molestation.
And as I said to you yesterday, look at that
tape. Gavin says he's being molested after they get 12939

back from Florida. That only changes when they
realize what the import, what the effect of the
rebuttal tape and the DCFS interview is, where they
praise Michael to the hilt, where they say he's
wonderful, he never would touch them.
They don't change the dates till they
realize they told the social workers, in Jay
Jackson's apartment, from the DCFS that they were
angry about these accusations. Gavin said he was
angry about this claim that Michael had touched him.
It's only when they realized what this all does that
the dates change.
He says in that police interview, "I think
he touched me five times." He says here it was
twice. Everything starts changing.
And I'm about to show you some transcript
testimony of him which I think will raise even more
red flags:
"Q. You went to two lawyers and a
psychologist, who Larry Feldman referred you to,
before you went to any police officer, right?
"Yes.
"Now, these weren't the first attorneys you
ever talked to, correct?
"I've talked to other people, other
attorneys before."
This is a 15-year-old alleged victim whose
family has been swimming around lawyers and swimming 12940

around manipulations and swimming around false claims for years.

Officer Robel said that Gavin told him that his grandmother made the statement of, “If men don’t masturbate, they’ll rape a female.” But he came into court and said, “Michael Jackson told that to me.” He was confronted with that lie. And what was his explanation?

“Q. But your grandmother said to you, ‘If men don’t do it, men might get to a point where they might go ahead and rape a woman,’ correct?

“Yes. Michael also told me that.”

Now, what are the chances of his grandmother and Michael telling him, word for word, that identical statement? He’s a liar, he’s a perjurer, and that’s an excuse.

This is where he has the discussion with the teacher, where he says, “Michael never touched me,” okay? And I want you not just to look at what he says, okay? I want you to envision and recall how he tried to finesse it on the witness stand:

“Okay. And the purpose of the discussion was what, if you know?

“A. It was probably about Michael.

“Q. Okay. You say ‘probably about Michael’?

“Uh-huh.

“But you’re not sure? 12941

1 “A. I’m not sure that the whole
2 conversation was about….”
3 “Okay. But sometime in that conversation,
4 Dean Albert looked at you in the eye and said,
5 ‘Are these allegations that Mr. Jackson sexually
6 abused you true,’ right?
7 “Uh-huh.
8 “And you said they were not true, right?
9 “Yeah. I told them that Michael didn’t do
10 anything to me.
11 “And the second time he asked you, you said
12 to him, ‘No, he did not touch me in any sexually
13 inappropriate way,’ correct?
14 “A. I don’t know.
15 “You don’t know?
16 “A. I’m pretty sure I told him that.
17 “Okay.
18 “But, I mean, I don’t know how exactly it
19 happened.”
20 That’s Gavin, in this courtroom on the
21 witness stand, fudging around, finessing how he’s
22 going to handle the fact that he went to a teacher
23 and twice said, “Michael Jackson never touched me.”
24 Okay. Now, I only put this statement up
25 here because you may recall Davellin got up and
26 said, “All my brother ever did in class was talk
27 when he shouldn’t have,” okay?
28 And what they were trying to do, because 12942

they've all been scripted by their attorneys, they want you to think that he's a molestation victim, and suddenly became aggressive, and combative, and had disciplinary problems because of the molestation.

And Davellin kept saying, "The only problem he had at school was speaking when he shouldn't."

We went through a litany of problems with all these teachers. Getting up and singing in the middle of class. Fighting. Remember, he said, "One teacher, I lost respect for him. He sunk down to my level."

This is a very precocious disciplinary problem, this person Gavin, not the little lamb they want you to think he is.

"Okay. And in summary, you've had some disciplinary problems with Mr. Geraldt, right?

"A. I had a lot of disciplinary problems.

"Q. What disciplinary problems did you have?

"A. I would get into fights sometimes at school."

I only put that there because Davellin testified under oath he never got in fights.

You know what's interesting? Do you remember, every Arvizo witness said they've never discussed the case with each other. All these Arvizo witnesses said, "We don't talk about Bashir 12943

1 together."
2 And I looked at Davellin and I said, "Well,
3 how come on that rebuttal video your mother looks at
4 Gavin and says, 'Let's hold hands like you did in
5 Bashir'? How could that happen if she didn't look
6 at the Bashir documentary?"
7 And she had no answer.
8 "Q. Do you remember telling the Santa
9 Barbara sheriffs that Michael Jackson first
10 touched you inappropriately during your last days
11 at Neverland?
12 "Yes."
13 But hasn't he made statements that he was
14 inappropriately touched right after the Miami trip?
15 When did this change? I just told you when
16 it changed. When they realized that these
17 statements were going to haunt them: Brad Miller,
18 the rebuttal video, and the DCFS interview.
19 "Okay. Were you ever personally threatened
20 by anyone associated with Mr. Jackson?
21 "No.
22 That's testimony in this courtroom. Look at
23 the police interview they showed you last week. He
24 says Frank said his mother would be killed.
25 He flip-flops all over the place, because
26 he's a liar.
27 "Q. Do you recall telling them the
28 following, 'We didn't drink a lot'? 12944

1 “A. No.
2 “Would it refresh your recollection if I
3 show you a transcript from that interview?
4 “Yes.”
5 I’m talking about the police interview.
6 Gavin and the Santa Barbara sheriffs.
7 “Q. Mr. Arvizo, have you had a chance to
8 look at that page?
9 “A. Yes.
10 “Q. Does it refresh your recollection
11 about what you told the Santa Barbara sheriffs?
12 “A. Not really.
13 “Q. You told them, “We didn’t drink a
14 lot,’ right?
15 “A. I don’t know. It says it on there.”
16 Didn’t he tell you they drank night after
17 night after night? How many lies does this guy have
18 to tell for you to see what’s really going on?
19 “Q. You initially told them you didn’t
20 drink a lot?
21 “A. That’s true.
22 “Q. So you are saying that at different
23 times you gave Mr. Sneddon different accounts of
24 when the molestation supposedly happened?
25 Witness: “Yes.”
26 That’s Gavin admitting all the flip-flops,
27 the different stories, the fabrications, the
28 inconsistent ways of describing what happened. He’s 12945

not truthful.
And as I said yesterday, if you don't
believe him beyond a reasonable doubt, if you don't
believe Star beyond a reasonable doubt - and wait
till you see what's coming up on Star - they're out
of the box. It's over.
"Q. Until you realized that you were not
going to be part of Michael Jackson's family, you
never made any allegation of child molestation,
correct?
"A. I didn't want to be part of his family.
I just saw him as a father figure.
"Q. Until you left Neverland for the last
time, you never made any allegation of child
molestation, correct?
"A. I didn't tell anyone until I left for
the last time, correct.
"Q. And you never called the police until
after you'd seen two lawyers, right?
Witness: "Yes, it wasn't until I saw two
lawyers until I told the police what really
happened."
When you're molested, when your family
thinks you're molested, when parents think their
child is molested, who do they go to? The police or
lawyers?
"Q. Let me ask you what you're talking
about. Do you think when your mother said 12946

1 Michael Jackson was honest and told the truth
2 that she was being truthful?
3 “A. Yes. He’s a nice man.”
4 He said Michael’s a nice man right in the
5 courtroom to you under oath.
6 “Q. Mr. Arvizo, you were caught
7 masturbating at Neverland when Michael Jackson
8 wasn’t even around, weren’t you?
9 “A. No.
10 “Q. You were caught masturbating in a
11 guest quarters, weren’t you?
12 “A. No.
13 “Q. No one ever saw you do that?
14 “No.
15 “No one ever talked to you about that?
16 “No one ever talked to me about it.”
17 That’s false. Rijo didn’t come in here and
18 lie under oath. Rijo told the truth.
19 “Q. Was Rijo ever in a guest room with you
20 when you were watching T.V. at Neverland?
21 “A. Um, no. I don’t remember really. I
22 mean, I might have hung out with him in a guest
23 room for a minute, but, I mean, I don’t remember
24 watching T.V. with him.”
25 Lying.
26 “You don’t?
27 “No.
28 “Are you saying you don’t remember or are 12947

1 you saying it just didn't happen?
2 "A. I don't think it happened.
3 "Q. Okay. Do you recall ever telling Rijo
4 you wanted to look at adult movies on television
5 at Neverland?
6 "No, I don't remember that.
7 "Ever remember stealing alcohol from Michael
8 Jackson's bedroom when Rijo was present?
9 "No.
10 "Ever remember masturbating in front of
11 Rijo?
12 "No.
13 "Now, earlier in your testimony, you said
14 the only time you ever tasted wine was in
15 church. Do you remember that?
16 "Yes."
17 Does anybody believe that? Do you think he
18 never had had wine except in church? Based upon
19 what you've seen about this family and what they
20 say, and what they do, and how they change their
21 stories, and how they lie under oath with no respect
22 for the oath whatsoever, do you believe that?
23 "Q. Are you telling the jury the only time
24 you tasted wine before you went to Neverland was
25 in a church?
26 "Yes.
27 "Did you ever tell Rijo or anyone else at
28 Neverland that you knew what wine tasted like? 12948

1 “No, I don’t remember telling them that.”
2 Does Rijo have a history of fraud and acting
3 and lying? No.
4 Does Gavin Arvizo? You bet.
5 “Q. Mr. Arvizo, when you claim you were
6 inappropriately touched by Mr. Jackson, you claim
7 there were no witnesses watching, correct?
8 “Yes.”
9 And I identified that problem yesterday.
10 You got a lying witness, no independent witness
11 supporting it, and no forensics.
12 And by the way, they want you to think these
13 fingerprints on a couple of magazines are bombshell
14 forensic evidence.
15 What are they evidence of? That he looked
16 at Michael’s magazines.
17 Are they evidence of any of these crimes?
18 No.
19 No DNA, no semen, no hair, no fiber.
20 Nothing.
21 “Q. Never knew an employee named Shane
22 Meridith at Neverland?
23 “A. If I did, I don’t remember that.
24 “Q. He caught you with an open bottle of
25 alcohol at Neverland, didn’t he, when Michael
26 Jackson wasn’t even around?
27 “A. No.”
28 Do you trust him or do you trust Shane 12949

Meridith, who was an impeccable witness? He works at Lompoc. He was a truthful witness, and he had no reason to come in and lie. He doesn't even work at Neverland anymore.

"Q. Do you remember ever telling Chris Tucker that you didn't make any money from the fund-raiser?

"A. No. Well, what fund-raising?"

Look at that.

"Q. A fund-raiser for you at The Laugh Factory.

"No, no, because we did make money at the Laugh Factory.

"Q. Yes. So you never told Chris Tucker, 'We didn't make any money from the fund-raiser'?

"A. Why would I say that when we did? No, I never said that.

"Okay. Do you recall yourself asking Chris Tucker for money?

"No."

Who do you believe, Chris Tucker or Gavin Arvizo? Why would Chris Tucker come in here to testify and lie? He's one of the most successful actors in the world. He is flying high. He is popular all over the planet. Why does he need to come in here and testify and lie?

Do you believe him or do you believe Gavin?

Because you got to make a choice. 12950

1 Now, I want you to watch all of this. This
2 is Star's testimony from the courtroom in front of
3 you, under oath, about these claims:
4 "Okay. Before you testified yesterday, had
5 you ever discussed what you were going to say
6 with your mom?
7 "No.
8 "Before you testified yesterday, had you
9 ever discussed with Gavin what you're going to
10 say?
11 "No.
12 "Before you testified yesterday, had you
13 ever discussed with your sister Davellin what you
14 were going to say?
15 "No.
16 "Have you ever discussed this case with your
17 mom?
18 "No.
19 "Ever discussed this case with Gavin?
20 "No.
21 "Have you ever discussed this case with
22 Davellin?
23 "No.
24 "Never discussed it with your mom before you
25 went" --
26 This is about the J.C. Penney case, by the
27 way.
28 "Never discussed it with your mom before you 12951

1 went into the deposition, right?
2 “Yes.
3 “Just like you’ve never discussed the facts
4 of this case with your mom at any time, right?
5 “Yes.
6 “And didn’t you say under oath that your
7 mother and dad never fight? That’s in the J.C.
8 Penney deposition.
9 “Yes.
10 “Was that true?
11 “Um, I really don’t -- sometimes.
12 “I’m sorry. I didn’t understand your
13 answer. When you told -- excuse me, let me
14 rephrase. When you stated under oath in the J.C.
15 Penney deposition in the year 2000 that your mom
16 and dad never fight, were you telling the truth?
17 “No.
18 “Did someone tell you to lie in that
19 deposition?
20 “A. I don’t remember.
21 “Q. You don’t remember at all?
22 “No, it happened a long time ago.”
23 Now, this kid’s lying at the age of what,
24 nine, ten? He never discussed it with his mother?
25 Nobody told him to lie? Nobody told him what the
26 case is about? It starts with him shoplifting.
27 “Q. You also said in that deposition,
28 under oath, that your dad never hit you. Do you 12952

1 remember that?
2 “A. Not really.
3 “Q. Would it refresh your recollection if
4 I show you that page?
5 “Sure.
6 “You were asked if your dad ever hit you,
7 and you said, ‘Never,’ right?
8 “Yes.
9 “Was that the truth?
10 “No.
11 “Did someone ever tell you to lie about that
12 under oath in your deposition in the J.C. Penney
13 case?
14 “A. I really don’t remember.
15 “Q. Don’t remember at all?
16 “A. No. I don’t remember nothing from
17 there.”
18 Is he telling you the truth? Do you trust
19 him? Do you trust him beyond a reasonable doubt?
20 Do you trust him to the point where you’re going to
21 convict Michael Jackson, take away his freedom and
22 reputation? I don’t think so, ladies and gentlemen.
23 These are terrible witnesses.
24 “Q. Have your -- excuse me. Did your
25 father ever coach you about what to say in the
26 J.C. Penney deposition?
27 “No.
28 “Did your mother ever coach you about what 12953

to say in the J.C. Penney deposition?
"No."
Then who told them to lie? Who told them to
lie to get money from J.C. Penney? He's a young
kid.
"Please tell the jury why you lied under
oath.
"I don't remember. It was like five years
ago. I don't remember nothing.
"By the way, do you remember yesterday when
you told the jury that on that plane you looked
at a soda can that Michael Jackson had, and you
saw a red ring around it?
"A. Yes."
Remember that testimony?
"Q. You told that to the police in one of
your interviews also, didn't you?
"I think so.
"Q. You also told the police that you
looked in the can and saw white wine, correct?
"A. When?
"Q. When you told them there was a red
ring around the can, you then told them that you
looked in the can and saw white wine, remember?
"A. I don't remember saying that.
"Would it refresh your recollection if I
show you a transcript from a police interview?
"Sure." 12954

Look what he says:
“The lady might have misheard me.
“Excuse me, what did you just say?
“A. I never looked into the can.
“Q. You said a lady might have misheard
you?
“A. The -- I don’t know what her -- what
the --
“The court reporter?
“Yes.
“Oh, you think the court reporter made a
mistake?
“Yes.”
Any of you believe that?
“Q. Do you recall ever being caught in the
wine cellar?
“A. The wine cellar doesn’t have a
combination lock.”
Look at that answer.
“Do you recall ever being caught in the wine
cellar drinking wine when Michael Jackson wasn’t
present?
“A. Never.”
Flat-out lie. Shane Meridith caught them.
“Q. Never happened?
“A. It -- it’s always locked, and it
always -- it -- to unlock it, you need a key.
There’s no combination to get in there. 12955

1 “Let me repeat my question. Do you recall
2 ever being caught in the wine cellar at Neverland
3 with Gavin drinking wine when Michael Jackson
4 wasn’t even there?
5 “No.
6 “Are you saying that never happened?
7 “Yes.
8 “Do you recall ever being caught at any
9 other location in Neverland drinking wine when
10 Michael Jackson wasn’t there?
11 “No.”
12 And you already heard the witnesses that
13 contradict them. Lies under oath about a
14 fundamental issue in this case. Reasonable doubt
15 all over the place when lying witnesses come in and
16 make these claims.
17 “Okay. That never happened?
18 “A. Yes.
19 “Okay. Now, you just told the jury
20 voluntarily where the key is to get in the wine
21 cellar, right?
22 “A. No, I said that the door -- the wine
23 cellar needed a key to get in there.
24 “And you knew where the key was, correct?
25 “I knew it was in the lounge.
26 “You knew where it was hanging in the
27 lounge, right?
28 “Not exactly. I didn’t know where it was 12956

1 hanging. I just knew it was in the lounge."
2 He always has an out.
3 These kids knew exactly how to get in the
4 wine cellar, and they were caught repeatedly all
5 around Neverland getting into everything.
6 Okay. Another subject:
7 "Had you ever seen any girlie magazines in
8 your life before you say Michael Jackson showed
9 them to you?
10 "Um, no.
11 "Never?
12 "Well, I was only like 11 or 12.
13 "Weren't you caught at Neverland looking in
14 girlie magazines?
15 "I said no.
16 "No one ever caught you and your brother
17 looking at girlie magazines at Neverland?
18 "Never."
19 He was caught by Julio Avila with a girlie
20 magazine in his backpack and said it was from his
21 own home.
22 "Okay. Okay. And your testimony is, until
23 you got to Neverland, you and your brother had
24 never looked at girlie magazines at any time; is
25 that right?
26 "Yes."
27 Flat-out lies. Con artists, actors, liars.
28 Look at this, Star's testimony here: 12957

1 “You told the police in your first interview
2 you looked at www.pussy.com?
3 “No, I was making an example that I was
4 trying to say. That wasn’t the exact site. I’m
5 just saying I was just making an example.
6 “Okay. You also told the police you might
7 have looked at www.teenpussy.com, right?
8 “A. No, I never said that.
9 “You never said that to the sheriffs?”
10 All right. But this is a guy who never
11 learned anything about sex until he met Michael
12 Jackson. You’re supposed to buy that beyond a
13 reasonable doubt.
14 This is that stairwell incident, okay?
15 Now, do you remember Gavin said Michael
16 Jackson came out of the bathroom, ran up the stairs,
17 saw the two of them there and ran down and nothing
18 happened? And that’s what Mr. Sneddon kept trying
19 to get him to say, something bad happened, and he
20 couldn’t remember anything bad happening. He said
21 he barely saw Michael Jackson.
22 But this is what Star says:
23 “And you claim you went up the stairwell” --
24 Excuse me, this is the -- pardon me. This
25 is when he says he saw molestation. This is when he
26 says he saw molestation, and he’s the only witness
27 to it, there’s nobody else. And he sees his brother
28 touched in bed, and his brother doesn’t know what’s 12958

1 going on because he's asleep, remember?
2 "And you claim you went up the stairwell and
3 saw Mr. Jackson and your brother on that bed on
4 two occasions, right?
5 "Yes.
6 "You also told the jury that those lights
7 were off, correct?
8 "Yes.
9 "You told the jury there was a light in the
10 stairwell that was on, but those lights over the
11 bed were off.
12 "Yes.
13 "You've also told the grand jury that you
14 only watched for a couple seconds.
15 "Yes.
16 "So those lights are off. A light on the
17 stairwell is on. You see it for a few seconds,
18 and you run, correct?
19 "A. Yes.
20 "Okay. Both occasions?
21 "Yes."
22 All right. You have a lying witness. He
23 says there's no lighting in the bedroom. He says it
24 happened for a few seconds, and he ran. Nobody
25 corroborates it. And no forensics prove it. And
26 you're supposed to convict Michael Jackson of
27 serious felonies beyond a reasonable doubt on the
28 basis of this guy alone. It's ridiculous. 12959

1 “Q. Do you remember telling the Santa
2 Barbara Grand Jury when you were asked the
3 question, ‘Star, while you were at the ranch, did
4 you have any discussions with your mother
5 about the subject of her wanting to leave the
6 ranch,’ and your answer was, ‘No’?
7 “A. I remember her saying it to me.
8 Probably don’t even remember -- probably didn’t
9 even remember at that time.
10 “Would it refresh your recollection if I
11 show you what you told the Santa Barbara Grand
12 Jury?
13 “A. You told me what I said.
14 “Q. Would it refresh your recollection to
15 show you the transcript?
16 “Okay.
17 “May I approach, Your Honor?”
18 And I do.
19 “Does it refresh your recollection about
20 what you told the Santa Barbara Grand Jury under
21 oath?
22 “Yes.
23 “Your answer to the question was, ‘No,’
24 correct?
25 “Yes, but probably at the time I didn’t
26 remember.
27 “At that time you didn’t remember?
28 “Yes. Probably, yes. 12960

1 “Did you ever talk to your brother or sister
2 about leaving the ranch?
3 “No.”
4 Now, they have this conspiracy claim, which
5 I submit is ridiculous. The mother is claiming she
6 was held against her will, the family was falsely
7 imprisoned, they were extorted, they were abducted,
8 they were kidnapped, it was a conspiracy engineered
9 by Michael Jackson. And Star tells the grand jury,
10 “She never talked about anything like that to me,”
11 and then comes into court and tries to tell you the
12 opposite.
13 Why? Do you believe him?
14 Remember this?
15 “You don’t recall threatening Kiki with a
16 knife when she confronted you in the kitchen?
17 “No.
18 “Never happened?
19 “No.”
20 He pulled a knife on Kiki, and he pulled a
21 knife on Angel Vivanco.
22 Lies under oath.
23 “Now, Prosecutor Sneddon asked you what you
24 meant when you told the grand jury you hadn’t
25 seen Michael Jackson touch Gavin’s genitals or
26 penis. Do you remember that?
27 “Yes.
28 “And your response to Mr. Sneddon was, 12961

1 ‘Well, I was just talking about the dinner
2 table,’ right?
3 “Yes.
4 “How come you never mentioned ‘dinner table’
5 to the grand jury when you made that statement?
6 “I don’t know if they asked me.
7 “Q. Well, let me just go through what you
8 said, okay?
9 “Okay.
10 “’Q. What kind of things?
11 “’Fix his shirt.
12 “’What else?
13 “’He looked like from -- if you are standing
14 in front him, it looked like he’s trying to
15 fix his shirt.’”
16 He is talking about Michael Jackson.
17 “’But it’s hard to explain. But he would
18 fix it, like he would touch -- well, it was
19 weird.
20 “He would be touching him a lot?
21 “’Yeah.
22 “Not his genitals, not his penis?
23 “’I never saw that, but I saw it in the
24 paper.’
25 “A. I don’t know what I meant by ‘paper,’
26 but I was trying to say that I didn’t see it that
27 time.
28 “But you never mentioned any kitchen table, 12962

1 right?
2 “But it wasn’t the kitchen table.
3 “But you never mentioned any table at all,
4 correct?
5 “I know.”
6 So he says, “I’ve never seen Michael Jackson
7 touch his genitals or penis.” He gets caught. He
8 makes up a story that, “I was only talking about the
9 dinner table,” and then he contradicts that story.
10 Are you going to believe this guy?
11 “Q. And in none of your police interviews
12 do you limit that statement about not seeing
13 genitals or penis touched at any table,
14 right?
15 “No.
16 “Q. Today is the first time you ever
17 limited that statement to what you saw at
18 a table, correct?
19 “I don’t -- yes.
20 “Q. Now, you’ve indicated the first time
21 you ever discussed any alleged inappropriate
22 touching by Michael Jackson was with
23 Psychologist Stanley Katz, right?
24 “Yes.
25 “And you have admitted that you gave Stanley
26 Katz a different description than you’ve given in
27 this courtroom, right?
28 “Yes.” 12963

1 He admits to inconsistent statements about
2 what happened. And of course he went to Stanley
3 Katz because they first went to Larry Feldman to try
4 and build a molestation case against Michael
5 Jackson, because Larry Feldman had done it many
6 years ago.
7 Now we have Davellin:
8 “Okay. Have you discussed what you were
9 going to say in court with your mother?
10 “No.
11 “Not at all?
12 “A. Not at all.
13 “Did you ever discuss what you were going to
14 say before the Santa Barbara Grand Jury with your
15 mother?
16 “Never.
17 “Never talked about it once?
18 “Never.
19 “Did you discuss what you were going to say
20 in court with either of your brothers?
21 “No.
22 “Just didn’t talk to one of them?
23 “No.
24 “At any time?
25 “No.
26 Do you believe any of this?
27 “Did you ever discuss what you were going to
28 say before the Santa Barbara Grand Jury with any 12964

1 of your brothers?
2 “No.
3 “Not once?
4 “Never.
5 “Did your mother ever call you to talk about
6 what you were going to say?
7 “No.
8 “So are you in contact with your brothers?
9 “Yes.
10 “Regular contact?
11 “Of course.
12 “Are you in contact with your mother?
13 “Of course.
14 “Is it regular contact?
15 “Yes, of course.
16 “And yet during all of this regular contact,
17 nobody has even discussed what was going to
18 happen in this courtroom?
19 “What’s more important to us is our feelings
20 and if we’re okay. That’s what’s important to
21 us.
22 “So no one ever has even discussed it, right?
23 “No.
24 “Not once?
25 “Never.
26 “How often do you talk to your mom?
27 “Every day. More than -- probably like
28 every hour. We talk a lot. 12965

1 “Every hour?
2 “Yeah, we talk a lot. We’re very close.
3 “Okay. Would it be accurate to say you talk
4 to her maybe 12 to 15 times a day?
5 “Probably a little less, but yeah.”
6 Do any of you believe she’s never discussed
7 the facts of this case with her mother or her
8 brothers? Do any of you buy that for a second?
9 Does it make any sense whatsoever? It does not.
10 “Ever discuss this case with your mother?
11 “No.
12 “Ever discuss this case with Gavin?
13 “No.
14 “Ever discuss this case with Star?
15 “No. At the home that you share with your
16 mom, Gavin and Star, have you ever seen any
17 documents about this case?
18 “No.
19 “None?
20 “Well, just what was given to us for us to
21 think, but we’ve never seen them. We just saw
22 what they came in, but we’ve never read through
23 each other’s stuff.
24 “Okay. Let me just explore that, if I can.
25 You saw documents come in some type of package;
26 is that correct?
27 “We all got separate packages, yes.
28 “Okay. Now, did you testify before that no 12966

1 one in your family watched the Bashir
2 documentary?
3 “Yes.
4 “Do you recall in the videotape your mother
5 talking about her holding her hand with Gavin
6 like they did in the Bashir documentary?
7 “Yes.
8 “She must have learned that by watching the
9 Bashir documentary, right?
10 “A. No.
11 Do you believe any of this?
12 “Do you know for sure your mother’s never
13 seen it?
14 “I don’t think so. I’m with my mom always.
15 “Well, there are times you’ve lived
16 separately from your mother, right?
17 “Yeah, but I would visit almost every day.
18 “Have you ever discussed the Bashir
19 documentary with your mom?
20 “No.
21 “Ever discussed the Bashir documentary with
22 Gavin?
23 “No.
24 “Ever discussed the Bashir documentary with
25 Star?
26 “No.
27 Do any of you believe this? If you lie
28 under oath about something like that, you cannot be 12967

1 trusted.
2 There is a jury instruction about willfully
3 false testimony that I will show you in a little
4 while. It was read to you yesterday by Judge
5 Melville. And it says, basically, someone who will
6 lie about something significant can be totally
7 discounted in a trial.
8 Okay. Now, this has to do with the
9 molestation claim that Janet Arvizo made against
10 David Arvizo when she told the police, not
11 initially, that David Arvizo molested Davellin:
12 “Okay. Okay. But were you present when
13 your mother told the LAPD that your father had
14 molested you?
15 “A. No, but I had heard when he had asked
16 her, ‘If you want to get anything off your
17 chest,’ and she said, ‘Yes,’ and that’s when
18 they went to the kitchen area of the East L.A.
19 apartment.
20 “Q. But when you were interviewed by the
21 police, you never told them your father had
22 molested you, did you?
23 “A. Because they weren’t asking me about
24 that, and I didn’t know. I was very young.
25 “Okay. Okay. Have you ever discussed with
26 your mother what your father did to you?”
27 “They were both present that day.
28 “Okay. He had -- she had said, ‘Well, I 12968

1 never told Davellin that.' And he says,
2 'Well' -- he said, 'Well, she doesn't need to
3 know anyways.' It was just a horrible experience
4 for me to find out that he did that to me when I
5 was young.
6 "And you found that out through your mother?
7 "From both of them, because he had agreed to
8 it when I was standing right there, because they
9 were having an argument, and my mom screamed it
10 out at him.
11 "And your father agreed he had done that?
12 "Yeah.
13 "Do you want a second?
14 "I'm fine."
15 I've already told you that Gavin told the
16 DCFS in the 1990s his mother had abused him, so what
17 I'm pointing out to you is, there is a history,
18 proven history, of making molestation and abuse
19 allegations against all kinds of people by this
20 family.
21 We're talking about the Brazil trip:
22 "And your position is that you've never told
23 any other witness that your mother wanted to go
24 to Brazil, but your brothers wanted to stay,
25 right?
26 "My brothers wanted to stay and be with
27 Michael, yes.
28 Didn't Gavin, in that police interview, say 12969

1 he was scared at Neverland and wanted to leave?
2 He flip-flops all over the place, depending
3 on what he wants to accomplish.
4 Now, before we move further, the photo on
5 your left, that's Janet's booking photo, where she
6 says she was beaten up all over the place by J.C.
7 Penney guards. That's the booking photo.
8 Look at her face and look at her hair. And
9 you already know that all the booking documents
10 indicate there's no medical problem. There's no
11 injury. She doesn't need medical attention. And
12 Mary Holzer told you that Janet confided in her that
13 after she got released, she was beaten by David
14 before she went to the hospital. And of course they
15 had photos taken weeks later and blamed it all on
16 J.C. Penney and Tower Records' employees to get
17 money.
18 And remember some of the testimony about
19 what's been said about J.C. Penney? Janet told Azja
20 Pryor some white boys beat them up in the mall.
21 Janet told Mrs. Kennedy that black guys beat them up
22 in an alley.
23 You trust her?
24 "Q. You were investigated by the
25 Department of Children & Family Services in the
26 1990s when Gavin alleged you had abused him.
27 Remember that?
28 "Yes, I do. 12970

1 “Okay. Did you have a good relationship
2 with the Department of Children & Family Services
3 at that time?
4 “Yes, I did.”
5 So she confirms Gavin. How old could Gavin
6 have been? He was like a little kid. These kids
7 are being raised to make allegations.
8 Now, I’m not saying that a kid can’t make a
9 true allegation. But put it all together. Look
10 what’s going on. Allegations come easily and
11 quickly to authorities.
12 All right. Mr. Zonen talked about Janet’s
13 conversations with Frank Tyson:
14 “Q. You say here, ‘I know we’re family,
15 Frank. Me, you, me, my kids are family. You,
16 Marie Nicole, my kids, Baby Rubba are family.
17 Michael, Marie Nicole, Frank Cascio, you, me,
18 are family, and my parents. That’s all I got.
19 So that’s why when these German people,’ and
20 then it’s inaudible. Do you see that?
21 “That’s correct.”
22 Now, the point I’m making is this: They had
23 decided Michael is their family. And Prosecutor
24 Zonen said to you yesterday, there was a year period
25 where there was no contact between Gavin and
26 Michael, and that’s baloney. There were cards going
27 everywhere. Every member of the family is sending
28 cards calling him “Daddy.” “We love you. We’re 12971

family."
They do this with everybody. They did it
with Chris Tucker. "You're our brother. We're your
family." This is one of their MOs. And before
Janet really starts telling you about her poverty,
she tells you you're her family.
Now, Mr. Sneddon, in his opening statement,
tried to neutralize that by saying this is an overly
affectionate family.
They're affectionate all right.
"Now, this conversation is taking place
after you say you escaped from Neverland with
Jesus, true?
"Correct.
"You are still calling Michael your family,
correct?
"That's correct.
If she had to escape false imprisonment at
Neverland, and if Michael is the leader of this big
scheme to abduct and kidnap, why is she still
calling him family?
What is her goal?
Her goal is to be with Michael. And all the
legal stuff, and all the talk with the police, all
of it follows her conclusion, "We're out. We're not
going to be part of his family anymore."
"How many times did you escape from
Neverland, Miss Arvizo? 12972

1 “With Jesus, with Chris, and then the last
2 time, and that’s the best I can remember.”
3 Three escapes from Neverland. What does
4 that sound like to you?
5 And they always go back. And in the end,
6 they go home.
7 “In the J.C. Penney case, you waited till
8 after a criminal investigation was over to file
9 your civil claims, true?
10 Doesn’t want to answer it.
11 She says, “I want an apology.”
12 “Q. You wanted over 100,000, didn’t you?
13 “A. I didn’t get over 100,000.
14 “Q. You got 152,000 in the settlement,
15 Miss Arvizo, didn’t you?
16 “A. In my hand? I did not get 150,000.”
17 Now, look at these answers.
18 “The Witness: In my hand I received only
19 $32,000. That’s it. In my hand. And that’s my
20 best approximation.
21 “Miss Arvizo, what did Gavin get in his hand
22 from that settlement?
23 “A. I don’t remember, because it’s been
24 put away where it’s to be untouched by me.
25 “What did Star get in his hand in that
26 settlement?
27 Still nothing.
28 “I don’t know, because it’s -- it’s something 12973

1 that's untouched by me. It's for them."
2 Do you think she really doesn't know the
3 amounts? She's under oath in this courtroom making
4 these statements.
5 "Q. The total was over 152,000 that your
6 family was given in a settlement, true?
7 "That you have to ask my civil attorneys.
8 And I think this statement may be correct.
9 "Q. During the time you had your
10 deposition taken in the J.C. Penney lawsuit --
11 "Yes.
12 "-- did you consider David to be an honest
13 person?
14 "No.
15 "Do you remember testifying under oath in
16 the J.C. Penney lawsuit that David is extremely
17 honest, he's too honest?
18 "A. If that's on there, then that's
19 correct. Whatever is on the deposition is
20 correct.
21 "Q. How many lies under oath do you think
22 you told in your depositions in the J.C. Penney
23 case?"
24 She was deposed twice.
25 "Like I said, I tried -- after David was
26 arrested, I went to the Rothstein office, and I
27 pointed out to them prior to a settlement
28 agreement that I would like to correct the 12974

1 statements that were inaccurate, because finally
2 David was arrested. Finally we and my children
3 could speak. And Rothstein, including with Mary
4 Holzer, said, ‘Don’t worry. We’ll take care of
5 it.’ And they didn’t, so I considered their firm
6 liars.”
7 She’s always blaming someone else.
8 “The lawyers are liars. The lawyers made me
9 do it.”
10 Has she turned over the money? Has she gone
11 to J.C. Penney or Tower Records and said, “What we
12 did was wrong. We lied under oath. We collected
13 money that we are not entitled to. My injuries were
14 fake. I had Gavin lie under oath. I had Star lie
15 under oath. David lied under oath”? No.
16 Do you remember in the rebuttal video they
17 talk about gang signs, and she’s acting very
18 spontaneously and she’s laughing? And it’s not a
19 rehearsed, memorized type of response. It’s
20 spontaneous, and she’s having fun.
21 “Q. So when you said about Gavin he was
22 doing gang signs, that was what he was doing,
23 he’s -- he showed out to his friends on the west
24 side, was that all scripted?
25 “Everything. Everything was scripted.”
26 Now, you’ve seen that video four times. Was
27 everything memorized, rehearsed, to the word? Was
28 she ever spontaneous? Did she ever seem to be 12975

enjoying herself? Did she seem like she liked being on camera? Remember she looked at it, and she said, "Oh, my God, we're on camera," and she had a big grin on her face?

And now it's part of some evil plot by Michael Jackson. And yet everything they said, they had said before, particularly to Brad Miller, when she says she was talking honestly about Michael Jackson.

Everybody's a liar but Janet Arvizo. Have you noticed that? The social workers are liars. The lawyers are liars. Everybody's a liar but her.

"Did you ever ask Azja Pryor for the keys to Chris Tucker's car?

"No.

"To your knowledge, did Davellin ever do that?

"No.

"Do you recall ever being in a call with Davellin where you and Davellin asked Azja Pryor for the keys to Chris Tucker's automobile?

"No."

Now Azja's a liar.

"Do you recall discussing going to Brazil with Azja Pryor?

"Like I had told you, remember those conversations that I would have and try to slip something in? So at the end of the -- all of 12976

these people could put this puzzle together as
to where me and my children were finally at.
“Do you recall telling Azja Pryor that you
were excited to go to Brazil?
“No.
“Do you recall inviting Azja Pryor to go
to Carnivale in Brazil with you?
“No.
Who do you trust based on what you saw on
this witness stand? Janet Arvizo or Azja Pryor?
“Did you ever tell Azja Pryor that your
family was being held against their will?
She says, “Yes.”
“When was this?
“I think -- I think it was during the hotel
period. That’s the best I can remember. I --
I tried to reach different people.”
Azja Pryor told you that she never said
anything like that. She wanted to go to Brazil;
that she invited Azja to go to Carnivale and that
she was excited. And Azja was as honest as you can
be.
“And you specifically remember telling her
that you were being held against your will?
“Yes.
“Do you remember ever asking her to call the
police?
“No, that was another thing I slipped in. 12977

1 And I was always hoping that these people would
2 call themselves. This way the call didn't come
3 from me."
4 What is that supposed to mean?
5 She's staying at Jay Jackson's. She's in
6 hotels. She's in shopping centers. You can call
7 9-1-1 at Neverland. She has a million different
8 places she can get a phone and call 9-1-1 if a crime
9 was being committed against she and her children.
10 The dentist's office, the salon, you name it.
11 Nothing.
12 "Q. Do you remember telling Azja Pryor
13 that you had learned that Michael Jackson was not
14 going on the Brazil trip?
15 "A. No.
16 "Do you remember ever telling Azja Pryor
17 that once you learned Michael Jackson was not
18 going on the Brazil trip, you didn't want to go?
19 "No.
20 "It's your testimony you never discussed the
21 Brazil trip at any time with Azja?
22 "I'm -- like I said to different people in
23 the midst of the conversation, I tried to slip
24 something in as to what was happening.
25 "Do you recall complaining to Azja Pryor
26 that Michael Jackson was making money on the
27 Maury Povich show and your family was getting
28 nothing? 12978

1 “Never.
2 “Do you recall commenting to Miss Pryor that
3 a college fund was being set up for Gavin by
4 Michael Jackson?
5 “No.
6 “Do you remember telling Azja Pryor, ‘What
7 good will a college fund do for my son? He may
8 not be alive in ten years’? Do you remember
9 saying that?
10 “No. All of that --
11 “And did you ever discuss the rebuttal
12 video with Azja Pryor?
13 “No.”
14 All of that directly contradicted by Azja
15 Pryor, who, I repeat, was a very honest witness.
16 Are you going to believe Janet or are you
17 going to believe Azja? I think I know who you’re
18 going to believe when you put all this stuff
19 together, ladies and gentlemen.
20 She is a complete liar and fabricator. She
21 is a con artist. She’s conned people for years.
22 This is a great one:
23 “Miss Arvizo, did you ever tell anyone that
24 you were living in a stable with hay and horses
25 in Bakersfield?
26 “No.
27 “Ever say anything to that effect to
28 anyone? 12979

1 “No.
2 “Did you ever hear or learn that you were
3 quoted as saying that?
4 “Yeah, I came to find out a lot of things.
5 “When did you find out that you were quoted
6 as saying that you and your family were so poor
7 you were living in a stable with hay in
8 Bakersfield?
9 “Just recently. I’ve never lived in
10 Bakersfield.”
11 Did somebody make that up?
12 Remember, she said she was homeless to get
13 free lessons at the dance school for her kids.
14 She’ll say anything. Absolutely anything.
15 “You claim you first learned about any
16 alleged molestation in September of 2003,
17 correct?
18 “A. I don’t understand what he’s saying,
19 but I was becoming aware of things through
20 Gavin and Star little by little.
21 “Q. You claim that you learned about any
22 alleged molestation in September of 2003 from
23 Prosecutor Sneddon, Sheriff Klapakis and Sheriff
24 Robel, right?
25 “Yes.”
26 Then my question to you is, why did they go
27 to Larry Feldman? Why?
28 Moving along: 12980

1 “Okay. Did you learn at some point about
2 some fund-raisers that went on at The Laugh
3 Factory for the benefit of Gavin?
4 “A. I came to find out everything
5 afterwards.
6 “Q. Did you know those fund-raisers were
7 going on when they actually happened?
8 “A. I don’t think so. We’re talking five
9 years ago.”
10 Do you really think, based on everything you
11 know about Janet Arvizo, that she didn’t know
12 fund-raisers were going on?
13 This is under oath in front of you. Put it
14 all together.
15 “Q. So you’re not sure whether you knew
16 they were even going when they happened, right?
17 “No, I would find out afterwards.
18 “Now, were you in touch with Jamie Masada at
19 this point in time?
20 “Just a little bit.”
21 They’re trying to raise money for her son’s
22 illness. They’re going everywhere they can to raise
23 money. Do you think she doesn’t know?
24 “Q. Were you ever standing in the background
25 during a phone call that Gavin made to Jay Leno?
26 “A. No.
27 “Have you ever spoken to Jay Leno?
28 “I’ve never spoken to Jay Leno. 12981

1 “Were you aware of Gavin making any attempt
2 to contact celebrities by phone?
3 “No.”
4 Do you believe that for a second?
5 Okay. Ladies and gentlemen, it only takes
6 one lie under oath to throw this case out of court
7 by you. Just one.
8 You can’t count the number of lies under
9 oath by all of the Arvizo witnesses. You can’t
10 count them. They lie directly. They lie to your
11 face. They lie under oath. They exaggerate. They
12 give run-around answers to try to avoid the
13 question. How many does it take to let you know
14 this case is a fraud?
15 They are trying to take advantage of Michael
16 Jackson. They are trying to profit from Michael
17 Jackson. They think they’ve pulled it off. They’re
18 just waiting for one thing, and that is your
19 verdict.
20 At this point, I’d like to talk to you a
21 little bit about some jury instructions, some of the
22 instructions that were read to you yesterday.
23 Now, we’ve talked about reasonable doubt.
24 You’ve heard me mention that a lot. And as I have
25 been saying throughout my closing argument, if you
26 have a reasonable doubt about the Arvizos, the case
27 is over, because the whole case hinges on them.
28 They have come together. They have compared 12982

notes. They have made up stories. They've lied
under oath, like they've done for years, and they've
been caught at it. You have caught them at it.
The instruction reads as follows:
"A defendant in a criminal action is
presumed to be innocent until the contrary is
proved. And in a case of reasonable doubt whether
his guilt is satisfactorily shown, he is entitled to
a verdict of not guilty. This presumption places
upon the People the burden of proving him guilty
beyond a reasonable doubt."
Why the standard of proof called "reasonable
doubt"? Why?
Many legal systems around the world don't
have it. Many legal systems around the world don't
use juries. They use judges. One, two, three, or
more. But our country has a philosophy, and that is
we cannot convict people who are innocent. We
cannot run the risk, because what happens to them is
so harmful, so brutal, so devastating.
And what they're trying to do to Michael
Jackson is so harmful, so brutal, so potentially
devastating to him, that we have a very high
standard. It's higher than you find in civil cases
where you have disputes over money or over property.
If you have any reasonable doubt about this
case, about the testimony, about the double-talk,
the lies, about their past, about their motives, 12983

it's over. You must acquit Michael Jackson to
follow the law. It's that strict.
And you know something? Our system still
isn't perfect. You still have examples where, years
later, DNA exonerates people who were convicted.
They've added up like 130 people the last ten years
who were actually convicted, by juries who meant
well, wrongfully, because DNA exonerated them.
But nevertheless, we have to have a system.
It's the best system in the world. It can't be
perfect, because human beings aren't perfect. But
it's the best system in the world.
And ladies and gentlemen, I'm begging you to
honor that principle. Honor that principle of proof
beyond a reasonable doubt. He must be acquitted
under that standard, with all the problems and
falsehoods and issues that I have addressed.
They can't overcome them. They can
exaggerate. They can dirty up Michael's background.
They can fling dirt everywhere. They can expose the
fact that he's a human being who has had his
problems. They can do whatever they want. But they
can't prove this case beyond a reasonable doubt, and
they never should have brought it to begin with once
they learned who the Arvizos were.
These are what we call burdens of proof in
our legal system.
In a civil case, which is a dispute over 12984

money or property, if one side proves by a preponderance of the evidence, that's the standard, that they should prevail, and it's often described in very simple terms. If you have a scale of justice and one side is stronger, is heavier, that side wins. It's called a mere preponderance of evidence.

That's enough to bankrupt somebody. That's enough to take away their business. That's enough to leave them penniless. But it's not enough to convict of a crime.

We have a higher standard called clear and convincing evidence.

I'll give you an example: In some custody disputes, you can take a child away from a parent if you prove, by clear and convincing evidence, that that parent should not have custody, that they have not met the standards our legal system requires for parenting.

Clear and convincing evidence alone is not enough to convict in our system.

And let me ask you this: Do you think you've seen clear and convincing evidence that the Arvizos are truthful? Are believable? Are honest? Are honorable? Don't have financial motives in this case? Are to be believed and trusted?

No. They can't even meet that standard, let alone the highest in our legal system, which is 12985

beyond a reasonable doubt. They're not even close.
The case shouldn't have been brought.
This is just an illustrative aid to further
explain reasonable doubt to you and what a high
standard it is. If you think somebody may be
guilty, it's not enough. If you think perhaps
they're guilty, it's not enough. If you suspect
they might be guilty, it's not enough. Possibly
guilty is not enough. Probably guilty, not enough.
Guilty likely, not enough. Guilt highly likely, not
enough. It's got to be guilty beyond any reasonable
doubt.
And ladies and gentlemen, when you get in
the jury room, ask yourselves, "Do we have any
reasonable doubts about this family and this case?"
Any. All it takes is one.
The prosecutor has talked to you about
circumstantial evidence, okay? There's what is
called direct evidence, someone actually watches
something. And there's circumstantial evidence,
where you're to put the circumstances together and
decide what you can infer from the circumstances.
Of course, I'm coming to you and saying the
same thing. Look at the circumstances of the
Arvizos and their past history and their lies and
their motives, and I'm saying put those
circumstances together to find a reasonable doubt in
this case. 12986

So what does the instruction say? “A finding of guilt as to any crime may not be based on circumstantial evidence unless the proved circumstances are not only, one, consistent with the theory that the defendant is guilty of the crime, but, two, cannot be reconciled with any other rational conclusion.”

Can any of you imagine, within reason, the Arvizos doing what I’ve told you they’re trying to do here? Does it seem rational to you? Does it seem realistic? Is it plausible? Is it likely?

Of course it is.

Would it be rational to assume, based on all you’ve heard, that this is a scam by them, and that they are, in fact, con artists, actors and liars?

The answer is yes. And if you agree with what I just told you, out the door.

“If the circumstantial evidence as to any particular count permits two reasonable interpretations, one of which points to the defendant’s guilt and the other to his innocence, you must adopt that interpretation that points to the defendant’s innocence and reject that interpretation that points to his guilt.”

This all works in tandem with the proof beyond a reasonable doubt standard. It all works in tandem with the proof beyond a reasonable doubt objective of our system that we protect freedom and 12987

liberty and reputation more than we protect money, more than we protect property. It's a strict system of values built into the system, and you must, under this legal standard, throw this case where it belongs: Out the door.

Now, you were instructed that these alleged crimes by Michael Jackson require that they prove what is called specific intent. In plain language, that he specifically intended to commit certain crimes. I'm going to show you some conspiracy instructions where he has to specifically intend, and they must prove beyond a reasonable doubt that he specifically intended, one, to enter into a conspiracy agreement, and, two, to commit false imprisonment, child abduction or extortion on the Arvizos. Okay? So that's what this idea of specific intent essentially means.

This is a similar instruction to the ones you just saw: "You may not find the defendant guilty of the crimes charged unless the proved circumstances are not only, one, consistent with the theory that the defendant had the required specific intent or mental state, but, two, cannot be reconciled with any other rational conclusion."

It's a protective mechanism to protect our freedom and our liberty and our reputation from false claims.

You've been instructed by Judge Melville. 12988

You must follow this to the T. You cannot run roughshod over these instructions. You cannot treat them lightly. If you have another rational explanation for what these people are doing based on their past and their behavior, it's out, all of it. Michael Jackson goes home - where he belongs. Not here.

"Evidence as to any specific intent or mental state, if it permits two reasonable interpretations, one of which points to the existence of a specific intent or mental state and the other to its absence, you must adopt that interpretation which points to its absence."

And as I said to you yesterday, show me any evidence anywhere that Michael Jackson wanted to be in a conspiracy with other alleged felons, none of whom have been charged. None. With all they tell you about Schaffel, Konitzer, Dieter, Geragos, whatever it is, have any of them been charged with anything? Even a misdemeanor? If not, why did they bring this case against him? Why? Where is the justice? Where is the fairness? Where is it?

With these instructions that you're bound to follow, with the instruction that you have another rational explanation, another rational conclusion as to why someone acted a certain way that goes against the concept of guilt, the concept of convicting someone of a crime, with these instructions, which 12989

they know about - they know about them - why did
they bring this case against Michael Jackson?
Because he's a mega celebrity, and they hope
they can get away with it. They only have one
obstacle left: You. They're hoping you won't
follow these instructions, you won't understand
these instructions, they won't have any meaning in
the jury room, you just won't get it. I don't know
what they're thinking.
How, with these instructions on the table,
in your hands -- you've already gotten packets of
them. How, if you look at these carefully and look
at this evidence, can you convict Michael Jackson of
anything?
Ladies and gentlemen, you can't. You just
can't. The witnesses are preposterous. The perjury
is everywhere. The claims are preposterous. None
of it works. The only thing they have left is
throwing dirt all over the place to see if something
sticks.
Girlie magazines. He's had problems in his
personal life. He's been immature, and naive,
childlike. But remember, their basic claims are
that he's akin to a monster, that he would take a
cancer-stricken child and look at that person as a
target and ply him with alcohol so he can molest
him.
From what you've seen about Michael Jackson 12990

in this trial, does that make sense? If you look
deep into your heart, do you think it's even
remotely possible that Michael Jackson is
constructed that way, is evil in that particular
way? Has no conscience? Has no feeling for
children? Has no idealism? Isn't childlike? He's
really just -- it's all -- Neverland's a ruse for
criminal activity? Does what you've seen in this
trial reflect that? Is it even possible?
It's not. It really is not.
And no matter what Mr. Zonen throws around
the courtroom, you know what I'm saying is true.
And I'm sure it will be a real topic of discussion
in the jury room. What is Neverland? Why the
music? Why the Disney-like environment? Why the
animals? Why do children come from the inner city?
Why do sick children come by bus? What goes on?
What are his goals? What did he want to accomplish?
Is it all just a lure for criminal conduct, a
veneer, a big fantasy to lure people in because he's
a monster?
No. Not even close.
Might be a good time to stop, Your Honor.
Is that all right?
THE COURT: All right. We'll a break.
(Recess taken.)
THE COURT: Mr. Mesereau?
MR. MESEREAU: Thank you, Your Honor. 12991

Ladies and gentlemen, I have two more instructions to show you. I can't show you every one, they're pretty voluminous, but I'd like you to just give careful consideration to these particular instructions, particularly this "Witness Willfully False" instruction:

It says, "A witness who is willfully false in one material part of his or her testimony is to be distrusted in others. You may reject the whole testimony of a witness who willfully has testified falsely as to a material point unless, from all the evidence, you believe the probability of truth favors his or her testimony in other particulars."

And when you go into the jury room and talk about the Arvizos, please give careful consideration to this instruction.

This is the last one I'm going to point out:

It says, "Association alone does not prove membership in a conspiracy. Evidence that a person was in the company of, or associated with, one or more other persons alleged or proved to have been members of a conspiracy is not, in itself, sufficient to prove that person was a member of the alleged conspiracy."

So when the prosecutor gets up and tries to tell you that somehow knowing Marc Schaffel or knowing Konitzer or Dieter is proof that Michael Jackson engineered -- remember, they're saying he 12992

engineered a criminal conspiracy as a response to the Bashir documentary. If they try and suggest that through documents showing people are in business together, or associated together, or might be seen together, that's not proof.

They have to prove beyond a reasonable doubt that Michael Jackson, one, specifically intended to form an agreement to conspire, and, two, wanted to falsely prison, abduct kids, or commit extortion.

And it's nonsense.

Now, ladies and gentlemen, the prosecution claims that Mr. Jackson had a response to the Bashir documentary, and the response was to commit crimes.

And the prosecutor wants you to think that after February 20th, through all those interviews, that somehow molestation began. And now I want to show you what was available at the time.

MR. SANGER: "Input 4," please, Your Honor.

(Whereupon, portions of DVDs, People's Exhibit 2 and Defendant's Exhibits 5000-A, B and C, were played for the Court and jury.)

MR. MESEREAU: Ladies and gentlemen, this has been a nightmare for Mr. Jackson. He has been lax with his money. He has let the wrong people sometimes associate around him. He was naive to allow the Arvizos anywhere near him. But under the law and the facts in this courtroom, you must return a verdict of not guilty on all counts. It's the 12993

only right verdict.
Thank you.
THE COURT: Thank you, Mr. Mesereau.
Mr. Zonen, did you need a couple of minutes
to set up?
MR. ZONEN: Just a minute, Your Honor.
Yes, please.
Leslie? I'm going to use that one.
THE BAILIFF: I don't need a minute.
MR. ZONEN: Your Honor, an hour and 14
minutes?
THE CLERK: 1/14.
MR. ZONEN: 1/14, thank you.
MR. AUCHINCLOSS: Can we go back to "Input 1,"
Your Honor?
MR. ZONEN: Ladies and gentlemen, good
morning.
This responding argument is going to be in
response to the argument delivered by Mr. Mesereau
over the last four hours of court time and it will
be limited to those issues that he has presented.
I would like to begin by talking to you
about a statement that had been projected up on the
board by Mr. Mesereau yesterday, and that statement
that had been projected up on the board referred to
this comment: He said, "Prosecutor" -- he was
quoting a prosecutor. He said, "A prosecutor said
that it was like a band-aid for a bad case." What 12994

he was referring to, of course, was the propensity evidence that had been presented by the prosecution. The propensity evidence was the evidence of all of the witnesses who testified to the 1993 investigation. That, of course, included the testimony of June Chandler, and Jason Francia, and Jason Francia's mother, and the other people who had previously been employed at Neverland.
That statement -- prosecutor said, "like a band-aid for a bad case."
Let me suggest that that probably was not said. Let me suggest that that's not the first time that Mr. Mesereau has referred to a prosecutor who has made a quote improperly.
Let me remind you of the time that Mr. -- that Mr. Mesereau was cross-examining Dr. Katz and kept referring to a statement from a prosecutor in a book that Mr. Katz had written, until we finally asked to see the book and discovered that the real word was "lawyer."
Now, that statement would make more sense if it was in fact "lawyer," "A lawyer said that this is like a band-aid for a bad case," because no prosecutor will ever stand up here and tell you that giving too much information to a jury is bad. In fact, in this particular case, it's highly appropriate. The information about the use of propensity evidence is what gives you a clear and 12995

concise understanding about the type of people who commit these -- about the type of people who commit these types of crimes.

Let me read something to you: “By their very nature, sex crimes are usually committed in seclusion, without third-party witnesses or substantial corroborating evidence. The need for this evidence is critical, given the serious and secretive nature of sex crimes, and the often resulting credibility contest at trial. The willingness to commit sexual offenses is not common to most individuals, thus, evidence of any prior sexual offense is particularly probative and necessary for determining the credibility of the witness.”

What I’ve been quoting to you is the legislative text that accompanied the enactment of that statute that allows us to be able to bring in evidence of prior sexual misconduct by the defendant charged with a child molestation. Why? Because these types of crimes take place in private. They don’t take place in public.

And in this particular case, we’re talking about the privacy of literally a fortress, behind multiple locked doors, and multiple alarm systems, where the defendant, after much effort, after much seduction, after much grooming, has the advantage of having a child in his room, and not the first one, 12996

in this case for long periods of time, subject to the intimacy that he dictates. And that's why it's so important so that a jury is not left with the belief, why, at age 45, does this man suddenly act out with a 13-year-old child? And when you see the total picture, you realize it was anything but suddenly acting out with a 13-year-old child.

Now, look at the evidence that was presented even by the defense in the course of this case. Think about the testimony of Mr. Barnes, Brett Barnes, who, while on the witness stand, was extraordinarily evasive on the question of, "Tell me how much time you actually spent with Michael Jackson. Was it one night? Was it two nights? Was it a week?"

And his answer was, "I, you know, really don't recall. I can't recall when it was. Some nights it was here; some nights it was there. I was" -- he just did not answer the question.

And when his mother was on the witness stand, she wouldn't answer that question either. "Sometimes he stayed with us. Sometimes we were traveling. Sometimes he would be with Mr. Jackson."

And again, very evasive in terms of committing to any kind of detail about Brett Barnes' relationship with Michael Jackson.

Not until his sister was on the witness stand, and not until cross-examination by Mr. 12997

Auchincloss, when all of a sudden he started asking her, in all her jubilance -- I mean, she was an excited witness up there, very happy, filled with glee and a big smile, and very happy to be here on behalf of Mr. Jackson, until Mr. Auchincloss started asking questions, “Tell us how long we’re talking about. What period of time exactly was it that your brother was in the accompaniment of Mr. Jackson and specifically in his room.”

And suddenly it came out. She says, “A year.” She said it in terms of, “Well, there was a six-month tour, and another six-month tour.” It was the entirety of those two combined tours, which meant over one year.

And it was like a ton of bricks landed in the middle of the floor. All of a sudden, everybody got it. All of a sudden everybody is sitting and thinking, one year, one continuous year this child, who at the time was either 11 to 12, or 12 to 13 years old, was sleeping in Mr. Jackson’s bedroom continuously.

This man has never had adult companionship to that extent that any of us have heard of at any stage during the testimony in this case. One consecutive year. This man went to bed every night with a 12-year-old boy the entire time. As they traveled from one European capital to another, as they traveled from one South American capital to 12998

another, as they ventured even into Africa.
And it was confirmed by a second witness
called by the defense, when James -- James Van
Norman, the security chief at that time, was called
as a witness and testified entirely on direct
examination without any reference whatsoever to
Brett Barnes.
And then on cross-examination by Mr. Sneddon
was asked exactly the same question. And he also
acknowledged exactly the same thing.
That witness had the nerve to sit on the
witness stand and tell you that nothing improper
happened at Neverland while he was head of security
there. And then on cross-examination acknowledged
to you that at the end of each day, this child,
maybe 12 years old, went into Mr. Jackson's hotel
room, each hotel room throughout Europe and South
America, went into his bedroom and stayed there. He
was his constant and continuous companion for the
better part of 12 months.
That is not a friendship. That's a
relationship.
Mr. Jackson loved that child not as one
loves a child, but as one loves a companion, an
adult, a sexual relationship. It's the only
explanation for that. In your entire lifetime, you
have never heard of another middle-aged man doing
that with a child. In your entire lifetime you 12999

never will hear of another middle-aged man doing
that with a child. You would be outraged if you
were to find out that there was somebody who lived
in your neighborhood who was taking young boys into
his bedroom amidst a sea of pornography and alcohol.
You'd be on the phone with the police in a second.
And yet in this case, we're expected to say
that that is normal. It is loving, it is kind, it
is nurturing, and it is nonsexual.
Why is that? How exactly was he nonsexual
with this child in his bed for over a year? Over a
year. Are we expected to believe that he's simply
nonsexual?
When we look at the collection of materials
that he has in his house, in his own home, and the
distinction between the thousands of books that Mr.
Mesereau was talking about is the fact that -- which
was a million books in his opening statement. It's
now down to thousands of books, and, it's probably
substantially less than that, and frankly, probably
came with the house. Most of the books depicted in
the video that he showed you looked like they've
never been opened.
But as to those books, they're in a library.
As to the books that we seized, they're in his
bedroom. And that included the entire collection of
homoerotic material, some of which was so extreme in
its nature we simply couldn't open that book in this 13000

courtroom.
But what, then, do we say about him? How do you explain that? How do you explain child after child after child, Mr. Robson for an extended period of time as a child, was in his bed going back to age seven. Seven.
Think about your children when they were seven years old, what they looked like and how big they were. Eight years old.
He was in his bedroom. Not just bedroom, but in his bed.
Macaulay Culkin, he flew across the country to spend a week with Macaulay Culkin alone.
Where is the adult companionship in this case? Where has he ever had that kind of trip to be with an adult, a special relationship? No words about that at all in the course of this trial.
Nothing.
It is because we have heard that testimony that we have an understanding of Michael Jackson that we never would have had had that testimony not been presented to you in the first place.
So let me suggest to you that the testimony of Brett Barnes, particularly his sister, Wade Robson, Robson, Macaulay Culkin, who spent an entire vacation with Michael Jackson, who invited himself so he could be there with an 11-year-old boy. And then June Chandler. 13001

June Chandler, who was described by -- in
Mr. Mesereau's closing argument as a gold digger,
and of course was a quote from Joy Robson. Joy
Robson, who received over $20,000 from Mr. Jackson,
a car, immigration to the United States, and a job,
as well as an apartment, describes her, June
Chandler, as a gold digger.
June Chandler said in her testimony, about
an event that took place in New York, that Mr.
Jackson was so upset and so angry during the course
of their being in New York, because she was
protesting the fact that Jordie Chandler was
spending all of his time with her, a statement that
was shared with Joy Robson in her deposition ten
years ago in the -- in the Jordie Chandler lawsuit -
he simply grabs up the time of whichever child he is
with - he broke a lamp. He tried to get Lily to say
that it was broken by accident. He was crying. He
was upset. He was pleading with her to allow him to
have access to her son, Jordie Chandler.
He slept with Jordie Chandler for well over
a month, closer to two, and particularly -- and this
was in his own home, in his own bedroom, in his own
room, between the times that he would come from
school and go to school during that period of time.
What kind of answer is there to that? How
do you possibly come to grasp with that kind of
information except to conclude that they had a 13002

relationship? He was in love with that child. In
love with that child the way that an adult would
fall in love with another person, and it wasn't the
only child.
And it was happening with Gavin during this
period of time. Gavin went right into it. It began
with long phone calls, long periods of conversations
in the middle of the night. They'd go for hours.
It began with him coming to Neverland. It was the
same kind of run-around-and-do-anything-you-want on
Neverland and end up in his room from the very
beginning.
Understand something about Mr. Jackson and
his relationship with his family and his
relationship with Gavin Arvizo.
On the 2nd of March, while he was there, on
the 2nd of March while he was in Florida with his
family, he came back to Santa Barbara, leaving the
family behind. And who happened to be back at
Neverland on the 2nd of March? Was exactly the day
that Gavin and his brother and sister and mother
returned back to Neverland.
And at that point the boys returned back
into his room, and eventually Star left that room.
And during that period of time they stayed there
forever, until they finally left at Janet Arvizo's
behest on the 12th of March.
Exactly the same kind of relationship that 13003

he had with Jordie Chandler. Exactly the same kind of relationship he had with Brett Barnes. It simply didn't go long enough because his mother had the sense and foresight to get them out of there.

A couple issues dealing with the jury instructions.

There was an instruction that was read to you. It was the very, very first instruction that was read to you, and it's one that's probably worth reading again. I'm not going to read it to you, I'm just going to tell you.

It is an instruction that says that you are not to consider sympathy, pity, punishment or consequences of the crime in your deliberations in this case. You cannot consider what will happen, what won't happen, and you can't sit back and say, "I feel sympathy for or against the defendant in this case." You can't be sympathetic on behalf of the victims. You can't be sympathetic on behalf of the defendant. You simply have to judge the evidence dispassionately and impartially.

Counsel has talked repeatedly about the question of why aren't the co-defendants, the unindicted co-defendants, included in here? There is an instruction that was read to you, you are not to consider that either.

Those are two instructions that Mr. Mesereau violated within the first half hour of his 13004

opening -- of his closing argument.
You cannot consider the question of whether others were included or not included, will be included, won't be included. That is simply not part of your deliberation process. You're to decide this case singularly. I would think Mr. Mesereau would be happy after four months of trial, over four months of trial, not to have to have dealt with five more lawyers in this courtroom, frankly.
The J.C. Penney litigation that took place, let me suggest -- I'm not going to go over this at length, but let me suggest to you that that was a case that was in no way fraudulent based on the evidence that's before you and reasonably resolved by everybody.
Janet Arvizo was never in that store. She had nothing to do with that theft. She went out and she came from a different place where she was applying for a job. She saw an altercation involving her husband. She went to his rescue. She got beat up. Not horribly, but got beat up. Had bruises up and down her legs, up and down her arms. Those photographs were not taken weeks later. Those were taken days later, as black and blue marks do tend to surface days later. Those injuries that she had were reflective of the kinds of restraint that she was subjected to with her being down on the ground and people on top of her 13005

legs, people on top of her arms, so that both -- the
arms on both sides and legs on both sides were
subjected to those kinds of contusions.
She did go to jail. She was there for less
than two hours. She did not make a claim of
injuries at that time. Those are not the kind of
injuries that would surface initially. They're
black and blue contusions. They would come up
later. She had no interest in staying in jail, as
would anybody have any interest in staying in jail.
Did not make any claims. Was out of jail in an hour
and 45 minutes. And within one hour and six minutes
after her husband was released from jail, she went
into the clinic.
Now, we're supposed to believe that it was
during that period of time that her husband beat her
up. That he would beat her up on the front of her
legs, the front of her arms, the back of her legs,
the back of her arms in that period of time, and
then take her to a clinic.
Let me suggest to you that in the history of
the world, no batterer has ever beat up his wife and
then rushed her to a clinic. That is a one-way
ticket to jail. Because the first thing they do is
ask what happened and how did it happen. And those
injuries were not that bad that he would have been
compelled to take her during that time.
Mary Holzer not only said that Janet Arvizo 13006

said that that's what happened, but Mary Holzer said that the kids were there, and the kids were injured in like fashion. We know that didn't happen.
Excuse me.
We know that both children stayed at the scene at the time of the arrest of the father, in the presence of the mother, until the grandmother got there, Maria Ventura. When she got there, the father was already in custody and had been taken away. The police were there and had been there for the entire time.
She took the children and took them home.
The kids complained of pain. Star complained of pain to his head, and in fact he had a concussion. Gavin complained of pain to his arm, and in fact he had a fracture in his elbow. They had not had any contact with their father at all. It wasn't until the next day that they went to the hospital by the parents, were taken, and the injuries were diagnosed.
Mr. Mesereau said that Janet Arvizo complained that the cyst that was discovered in Gavin's (sic) head she credited to the beating that was -- occurred at J.C. Penney's. No, she never did. She never said that at all.
What she said was it was discovered at that time when they were trying to determine the cause of the headaches that he had. They discovered he had a 13007

cyst, benign, benign, and hopefully will remain that way.
There was a lawsuit at that time. There was a deposition that was taken at that time. She did lie in that deposition. About what? She said she was not a victim of violence at home.
She was still living with him. What is she going to do? Say otherwise? The kids also were asked that question. Mr. Mesereau is mystified that they would say that they were not coached to lie.
No, they weren't coached to lie. They don't have to do that. Children in a violent household intuitively know not to discuss that sort of thing. That is just not discussed. There was no lying in that regard.
Yes, it's true, she said she was not a victim of domestic violence. That's pretty understandable under the circumstances. She said she had asked the law firm to change it later.
Now, the question of whether or not, given that period of time, could her husband have inflicted those injuries on her, and on the children, who were not even in his presence, does that necessarily mean, then, that there was a fraudulent lawsuit? And the answer is, there was no fraudulent lawsuit, notwithstanding Mary Holzer's desire to be a witness in this case.
And as evidence of that is the fact that the 13008

lawyers that she works for have kept the money that they got, all $85,000 of it. They've known about her accusations for some time, and they haven't seen fit to return that money. Nor has J.C. Penney's seen fit to go after it. So everybody seems to think that this was an entirely reasonable resolution of this case, for being beaten up and for being falsely arrested and falsely charged, until ultimately the charges were dismissed.
She got $32,000. That is not unreasonable.
Gavin had a fractured arm, and he got $25,000. It's sitting in a bank account. Star had a concussion.
He got $5,000. It's sitting in a bank account for when he turns 18. And the father, David, got $5,000, approximately. I don't know what he did with his, nor do I care. That comes to about $65,000 total. The balance of $85,000 went to the law firm. They've kept it.
The resolution of that case was fair. It was appropriate. The disposition was appropriate.
Lawyers.
There was a lot of discussion about Janet Arvizo going to lawyers and having had many lawyers. She had a lawyer who represented her in J.C. Penney's. She had a lawyer who represented her in the J.C. Penney's case. She had a lawyer who represented her in her divorce and family law matter. 13009

1 And after she was -- she stayed at Neverland
2 for that period of time and finally got out, she
3 went to see a lawyer by the name of Mr. Dickerman.
4 She went to see Bill Dickerman after being
5 told by two different people, “You need to go see a
6 lawyer.” One of them was Azja Pryor, who testified
7 to that in court during the course of this trial.
8 The other one was Jamie Masada, and he was the one
9 who suggested Bill Dickerman, who was his personal
10 lawyer.
11 She went to Bill Dickerman. And what did he
12 do? He made demands for the return of all of her
13 property, two and a half months of demands, without
14 being told where the property was and without having
15 any of it returned. And he made demands that the
16 kids be taken off television through Granada
17 Productions. In other words, his pursuit was in two
18 directions, and he at no time filed any kind of a
19 lawsuit against Michael Jackson.
20 How did he get to -- how did the family get
21 to Larry Feldman, was the question was Mr. Mesereau
22 asked.
23 Well, the answer to that question is Bill
24 Dickerman took them to Larry Feldman, because he
25 knew that Michael Jackson was involved in all of
26 this, and he was not about to take on Michael
27 Jackson and his minion of lawyers. As you recall,
28 Michael Jackson pays four million dollars a year in 13010

legal fees. He has plenty of lawyers.
Bill Dickerman, who was a sole practitioner,
was not about to take on Michael Jackson by himself.
He knew that Larry Feldman had taken on Michael
Jackson in the past, and he went to Larry Feldman.
Larry Feldman is senior counsel in a 600-lawyer law
firm. Six hundred lawyers is exactly the opposite
of Bill Dickerman as a sole practitioner.
Larry Feldman sees this family walk in the
door, and he looks at Jordie Chandler -- excuse me,
he looks at Gavin Arvizo, who is literally a Jordie
Chandler clone, like these other boys, and he takes
a look at him, and he immediately sends the family
to Stan Katz, Dr. Katz.
Mr. Mesereau described Katz as Larry
Feldman's good friend, Dr. Katz. In fact, the
evidence is exactly the opposite. Stan Katz has
worked with Mr. Feldman on one other case, and that
was the Chandler case and that was ten years
earlier. And in his 25-plus years has never worked
on any other matter with Larry Feldman, has never
been to his home. Feldman's never been to Katz's
home. They know to say hello to one another when
they meet one another in court or in other places.
But they certainly are not close friends or even
friends at all. They are simply acquaintances and
associates in terms of professional associates.
That statement was designed to cast some 13011

aspersion upon the both of them that they're in league together. And in fact, there's no evidence of either one of those.

Stan Katz interviewed the children, interviewed the mother, interviewed the sister, and decided that this matter needed to be reported to Child Protective Services, and did so. From there, it went to the sheriff's office in Santa Barbara.

There was no disclosure by Gavin at any time to anybody until he did so to the police, when he sat in an interview. And you watched that interview, and you're going to watch a portion of it before we leave.

That disclosure did not -- or at any time has Gavin varied in the contents of the description of what happened to him. And the only extent of the variance that Mr. Mesereau was able to talk about is the timing. And now we're going to talk about the timing a little bit, because I think that is appropriate for you to understand.

The question posed by Mr. Mesereau is, why would he do it then? Why would he begin a molestation just after this child has been interviewed about exactly that? Why would he do it after the publication of this thing on television? Why would he do it after he spends time in this video presentation?

The answer simply is: Because he could. 13012

It's really not much more complicated than that. Because he has no restraints on his impulses. Because he had been working with this child for some time. Because this child had been in his bed for some time.

And it may not have begun after the video was produced. Gavin testified to you that he had a recollection of two specific events. He believed it happened after the video was produced, and that would mean after the interview with the Department of Child & Family Services simply because they are closely aligned. He went from one to the next. And at some time after that, which would have been on the 20th of February and sometime thereafter, before the time he left.

He also said, and has consistently said, he thought it was closer to the time when he actually left. And that would be consistent, too.

Why would Mr. Jackson do it? Because he could. Because he had this child in his room. Because he had been working with this child for some time. Because this child was in love with him. Because this child would do anything that he wanted him to do. Because this child was already in his bed and already sharing the intimacies of his affection. Because this child already was viewing the pornographic materials that were there. Because this child was already freely drinking. Because 13013

Star had started leaving the room and was no longer there at that particular time. And his opportunity was there and the child was ripe.

And Mr. Jackson frankly was completely indifferent to the question of whether or not this was in close proximity to a televised production of one nature or another. In fact, he was more confident because he knew that by virtue of the fact that this child had gone on tape saying nothing had happened, that he was probably pretty safe at exactly that moment.

When did the molestations begin? We don't know. We don't know. The best estimate was at some time after the meeting with the Department of Child & Family Services. Certainly could have been before.

Gavin initially said he had been molested five times. By the time he got before the grand jury, which was some number of months later, his testimony was, "I remember two in specific particularly I can give you details of. There may have been more. There probably were more. I just can't give you the kinds of details. We were drinking a lot during that period of time." A 13-year-old boy.

Now, Dr. -- Dr. Esplin was quoted yesterday in one of the displays by Mr. Mesereau as saying something to the effect that there are many 13014

allegations, false allegations, that are motivated or spurred by profit.
I didn't remember Dr. Esplin saying that.
And I can -- and certainly Dr. Katz did not say that. And Dr. Urquiza did not say that. In fact, both of them said that there was no recollection whatsoever of any event. They just were unfamiliar with any occasion at all involving an adolescent boy who had been molested and that -- or, rather, an adolescent boy making a false accusation of molestation for purposes of financial gain. Neither one of them had any recollection of any case like that at all.
So when I hear or when I see Dr. Esplin being quoted as saying, "Yes, that's a common feature," I went back to his testimony to see exactly what it was.
This is a question by Mr. Sanger: "And would financial gain be a potential motive for -- on the part of the influential adult?"
And his answer was, "Could be."
"Could be."
Suddenly, being told, "Could be," that there could be a financial motive on the part of the influential parent, has translated to multiple accusations of child -- false accusations of child molest motivated by finances. As you can see, his testimony in this regard was nothing akin to what 13015

1 was presented to you yesterday.
2 None of these doctors who testified, three
3 of them, two for the prosecution, one for the
4 defense, not one of them stood up and told you that
5 this is a common occurrence at all. And in fact,
6 all three of them told you that adolescent boys
7 making accusations of being molested at the hands of
8 an adult male is probably the single most difficult
9 accusation for a child to make in terms of
10 disclosure of molestation. That is the toughest,
11 because no other victim endures the hardships of
12 wondering whether they're going to be tormented at
13 any particular time.
14 Now, one of the pieces of information that
15 was said to you by Mr. Mesereau in his closing
16 argument was the fact that Gavin had twice been
17 interviewed by Dean Alpert and had not disclosed the
18 molestation to him.
19 Keep in mind that all of the experts who had
20 testified, including the defense expert, Dr. Esplin,
21 said, "These are very difficult disclosures, and
22 piecemeal disclosures are not unusual and in no way
23 bear on the validity or integrity of the disclosure
24 in any way."
25 But let's look particularly at that
26 statement of not disclosing to Dean Alpert.
27 Gavin Arvizo was in Dean Alpert's office
28 because he was acting out. Okay? He was acting out 13016

because he was being tormented by other kids in the school, and he was being tormented because they were accusing him of having had some kind of sexual connection with Michael Jackson. He was a 13-year-old boy in middle school. And he was getting in fights because of those accusations. And kids were teasing him about it.

And suddenly he finds himself in a principal's office or a dean's office, someone with no ability whatsoever to be able to deal with this kind of situation, who simply says, "Is it true?"

And he says, "No, it's not true."

Would any 13-year-old boy that you know say anything other than that under those circumstances?

That, my friends, is not a reflection of his integrity in any way whatsoever. Nor is it a reflection on whether or not his ultimate testimony here is anything but completely truthful.

It's a 13-year-old boy out there alone, by himself, harboring this horrible secret about what had happened to him, having been outed, effectively, by this nationally televised production, who is now trying to protect himself as best he can. You can't conclude anything from that at all.

Dr. Katz said, "In addition to all the cases that I've seen, I've supervised numerous interns and other professionals. I don't recall seeing any adolescents or preadolescents who are making 13017

allegations to profit."
Mr. Mesereau told you yesterday that he said
that Mr. Katz, Dr. Katz, had said to you that he had
never seen a false accusation of sexual assault, of
child molestation.
In fact, Dr. Katz said nothing of the kind.
He said that there are many false accusations when
children are very, very young, often pre-verbal, and
those accusations are usually in conjunction with a
divorce proceeding where one parent wants to keep
the child away from the other parent. He says, as
children get older, those instances reduce
substantially. He says he had some familiarity with
teenagers who made false accusations. He said they
were all girls attempting to get out of a household
situation. In other words, a parent that they did
not want to be living with. Those circumstances
that he believed to be false.
He said he had no familiarity at all
involving an adolescent boy who had made a false
accusation. And particularly an adolescent boy who
had made a false accusation motivated by profit.
The suggestion that you can tell a
13-year-old boy, "You need to humiliate yourself,
you need to stand up and give testimony that's going
to be demeaning, it's going to be tormenting, you're
going to be in front of a roomful of people, you're
going to be harassed by your friends, you're going 13018

to be tormented by a defense attorney, you're going to be cross-examined at length, but don't worry, we will be rich some years down the line," a 13-year-old boy? Not likely. And not given what we know about Mr. Jackson and what we know about his history.

Excuse me.

Mr. Mesereau said that Gavin Arvizo had told you that he was touched right after the Miami trip.

No, he didn't. He never said that at all.

That is not part of the testimony. And you will not be able to find that in the transcript anyway. He never said that. His statements about when this happened were all fairly consistent in terms of being toward the end of his stay at Neverland, which covered about a five-week period of time.

There was a lot of commentary by Mr. Mesereau about the bad conduct of the children while they were -- not just while they were at Neverland, but also Gavin's conduct while he was a child at John Burroughs Middle School, and it was documented and there was a lot of evidence and the teacher talked of that. It went on for hours in terms of, you know, "Were you acting out? Were you getting in fights? Were you talking in class? Were you singing in class?"

There's really not anything that's all that bad. It showed a child who was disrespectful to a 13019

1 teacher, and a child who was acting out.
2 Let's begin this discussion with my saying
3 something about his testimony, what he told you.
4 Gavin today is an honor student. He's an honor
5 student at his high school. He plays on the
6 football team. He is a graduate of three years of
7 military cadet training, which is the equivalent of
8 scouting. Three years he's been doing that.
9 All of you who have children who have been
10 in scouting, I think you understand the commitment
11 that a child makes to stay in scouting for three
12 years, and the progress that they make as they go
13 along through three years of scouting. And I think
14 that you see, for those of you who have children or
15 who have been in scouting or know children who have
16 been in scouting, the change and the transformation
17 that takes place with a child who stays committed to
18 that kind of a program over that long a period.
19 MR. MESEREAU: Objection.
20 THE COURT: Sustained.
21 MR. ZONEN: Let me suggest to you that the
22 child that you see testifying here today, or over
23 this trial, who is a child who is an accomplished --
24 a child who is an honor student, and a child who's
25 doing entirely --
26 MR. MESEREAU: Objection.
27 MR. ZONEN: This is not inappropriate. This
28 is in evidence. 13020

MR. MESEREAU: It's not.
MR. ZONEN: Gavin testified to it.
THE COURT: Overruled.
You may proceed.
MR. ZONEN: That the testimony, when Gavin told you about his state of affairs today, means a decent and a quality of life, a good child.
What is consistent in his life and what is inconsistent in his life today?
He no longer has David Arvizo in his life, and he no longer has Michael Jackson in his life.
And Jay Jackson's in his life. And today he's thriving. So now let's talk about what happened back at Neverland and what was going on even before Neverland.
At Neverland, the accusation as to -- as to Gavin, the accusation as to Gavin, both Gavin and Star, that they were stealing, that they were drinking, that they were misbehaving, that they were cursing, that they were behaving inappropriately with other people, that they were sexually inappropriate, at one point that they were caught masturbating, at one point they were caught in possession of sexually explicit materials, that Star at one point threatened somebody with a knife -- incidentally, both of those people who talked about that incident said it was a joke, that they never took it seriously. They understood it to be a joke. 13021

That Gavin used to like to cook in the -- excuse me,
Star used to like to cook in the kitchen. Neither
one of them took it seriously.
All of those accusations that were made
about the boys, let me also tell you that virtually
all of the witnesses who testified to their bad
conduct also said that they were quite well-behaved
at the beginning, or certainly better behaved, and
got worse as time went on. Five weeks. Five weeks
of a lack of discipline certainly would explain it.
Before I get into too much of a discussion
about this issue, let me say something that would
govern -- and, I mean, the whole question of whether
or not these allegations are true or not true, let
me start with one basic observation:
Any adolescent male, any adolescent boy in
America, delivered at Neverland and left to Mr.
Jackson's agenda, will eventually do just about
every single thing that these two boys have been
accused of doing. Doesn't matter how good of a
child initially. Doesn't matter how good the family
is. It doesn't matter how good the parents are.
The most religious, the most conservative, the
kindest, the best parents.
You take that child away from his parents,
and you subject him to the ordeal that is Neverland,
play all day, do anything you want, no discipline,
no school, no homework, eat whatever you want, do 13022

whatever you want, pornography, and alcohol, stay up all day, up all night, sleep when you want, do what you want, it will not take long before any adolescent boy in America would ultimately end up doing any of those things.

So I begin that comment to you because I want to be able to say, as I sit here and talk about some of these things, that I'm not going to put myself in a situation of saying, "This didn't happen. This did happen. This didn't happen." We don't know. But let me say, just as an observation on the testimony of those witnesses, nobody ever wrote that stuff down. There is not a log anywhere that reflects any of the things that they're accused of doing, including driving an SUV. There is no observation of any single person who came into this court and testified that they ever saw Gavin or Star, these 12- and 13-year-old kids, who are barely five feet tall, if that much, driving a Navigator around this property. And they now say that was the reason for a sign that said, "Don't let them leave the property"?

How about a notation that says, "Don't let them get in the SUV"? Or even better, "Deliver them back to their home in East Los Angeles."

The notion that these kids are misbehaving to that extent, and yet what are they doing about it? Their keeping them there and trying to get them 13023

back there is simply inconsistent. It's simply
inconsistent, unless the people who work for Michael
Jackson were motivated by two things: One, the
profit that would go along with having that family
there to be able to capitalize on their statements,
and their videos, and their image; and, two, that
that child was needed in Michael Jackson's bedroom.
There is no other explanation for it. Simply not.
Now, some of these witnesses would come into
court and testify to stuff, and you'd immediately
say, "Who did you talk to about this? Who did you
tell?"
I was described as being barbaric, and,
gosh, I don't even remember all the language that he
called. My cross-examination of Rijo Jackson, I
think I was called abusive and barbaric, and one
other adjective that was used to describe it, in 15
minutes of cross-examination, which is all I did. I
really didn't ask him anything about what occurred
in the bedroom. And I pretty much asked him only
what occurred in Michael Jackson's room and what he
told Michael Jackson.
Virtually all of the witnesses who were
asked questions about, "Okay, you saw this thing,
you saw graffiti, you saw Star writing graffiti on a
wall, what did you do about it? Who did you tell?
Where did you note it? Where did you write it
down?" None of them ever wrote any of this stuff 13024

down, ever.
So let me suggest -- and this is a place
where they write everything down and they write it
down constantly and all the time. So let me suggest
to you that the absence of any kind of documentation
of any of these instances should cause you pause to
believe that they're probably exaggerated and some
of them are probably made up. And probably the most
egregious of all of that would have been Rijo's
testimony about the boys in a bed under the blankets
and what he said was masturbation.
Now, you wonder how he would know that,
necessarily, if they're under the blankets. And you
might wonder exactly why a 12-year-old and a
13-year-old brother would be doing such a thing in
the presence of each other. And you would wonder
why the two of them would do such a thing as a door
would open and somebody would walk into the room and
they would have no idea who that somebody would be,
but they would continue doing that.
That is simply not consistent with common
sense. That's not consistent with your
understanding as to how adolescent boys function.
If it is true, then it's evidence of two
boys who have been significantly sexualized. And
that would be consistent with their testimony as to
what took place in Michael Jackson's bedroom. In
other words, his constant talking with them about 13025

masturbation, and his constant talking about -- with them about adult sexuality, and his constant introduction to them of sexually explicit material.
If you believe Rijo Jackson's testimony is truthful and accurate in its entirety, then you have to ask yourself, "Why are these kids doing that?"
What is going on at Neverland? If you believe the testimony about Star walking around with explicit magazines, then you have to ask yourself, "Why does this child feel so uninhibited that he can do that?" Because it's certainly not the child that you saw on the witness stand.
And then the question of where did he get it? He did not -- if it's true that he had such a magazine, he did not get it from home.
He would not have said to his mother, as they were preparing to go back to Neverland from one of their trips at home, "Hold on a second while I get my copy of Hustler." That's not what a 12-year-old would say. And it's not what a 12-year-old would do. And he would not have such a thing in his back pocket as he walks around Neverland. And it wouldn't be necessary to do so, because there was plenty of that material in Michael Jackson's bedroom and they had the run of that bedroom.
So you have to sit back and say, how much of this testimony is exaggeration? How much of it is 13026

just plain false? And how much of it is true.
And if it's true, why is it true? Why are
these boys behaving in such a fashion? And why are
so many of the witnesses from Neverland saying all
of the boys eventually start misbehaving? Why is
that true as well?
Counsel made a number of remarks about Janet
Arvizo hounding celebrities for money. Calling them
constantly. Hounding them for money. Causing the
children to hound them for money.
Now, my answer to that is, "Who?" I mean,
we dealt with all of the celebrities who were called
in this particular case. None of them testified to
that.
And even the testimony of Jay Leno is
entirely inconsistent with Mr. Mesereau's
description of Jay Leno's testimony. At the
beginning of this case, in his opening statement,
Mr. Mesereau said that Janet was in the background
telling Gavin what to say on the phone in the
conversation with Mr. Leno.
In his closing argument, his testimony was
Janet Arvizo was in the background telling Gavin
what to say in his conversation with Jay Leno. The
problem was that's not what Jay Leno said. And his
testimony was very different.
"Did you ever get any messages from anyone
who claimed to be Gavin's mother? 13027

1 “No.”
2 “And then I spoke to someone else, and
3 then I believe I spoke to the mother, who seemed
4 very pleased that I called.
5 “Do you recall what the mother said to you?
6 “A. No. Very general. ‘Thank you very
7 much,’” quote, end quote.
8 And that’s the extent of it. There was
9 never any testimony of Jay Leno whatsoever about a
10 mother in the background trying to get her child to
11 say things to a comedian who would then give them
12 money. And furthermore, none of these comedians did
13 give them money.
14 Now, the one exception is Chris Tucker, who
15 had a close relationship with this family, although
16 he denies it today. He simply has taken sides in
17 this lawsuit. That’s all. But before that, he took
18 these kids up to Oakland to go to a Raiders game, he
19 took these kids to the Lakers -- Staples Center to
20 see a Lakers game. They had Gavin’s name up on the
21 wall at some time during the half time. Excuse me.
22 He was sick at that time.
23 He took them to a wedding that was in
24 Pasadena. Today he denies that he knows anything
25 about how they got there. That’s simply not
26 credible. That’s simply not credible. That whole
27 business about not knowing how they got to a
28 wedding, that he didn’t invite them there, and that 13028

they just somehow showed up on their own. That these kids are going to show up at a wedding in Pasadena without even knowing where it is, is really just not credible.

But when you look at this collection of witnesses who have testified, I mean, whether it was Jamie Masada, or whether it was Louise Palanker, whether it was Jay Leno, whether it was Fritz Coleman, whether it was George Lopez -- George Lopez' testimony about Gavin was that he was a great kid. Said, "A lot like me when I was that age."

And none of them say they were ever asked for money by Janet Arvizo. None of them say they ever gave money to Janet Arvizo. None of them do that. And then he comes back in his closing argument and he says, "Constantly calling celebrities, constantly hounding them for money."

Well, when you go back in your deliberations, sit back and ask yourself, okay, which one? Which one was actually called by me? Which one was actually called by Janet Arvizo and hounded for money?

That statement about Davellin's testimony on the witness stand about what her father did to her when she was a toddler, she has no recollection of it. That statement was pretty remarkable when she testified to it in court.

And you saw her reaction to it. And you saw 13029

her start crying during the course of that. She
came to find out that her father had molested her
when she was very small. Her father was in the room
at the time, and it came out in the course of an
argument between her parents. Her father
acknowledged that it happened.
Now, are we supposed to believe today that
it didn't happen? What testimony is there today
that it didn't happen? And the answer? None. The
answer is none. Nobody came in. They certainly
could have called David Arvizo to say it didn't
happen. They didn't do that.
Alcohol. There was testimony by both of the
boys that they drank with Michael Jackson. There
was a drinking game with Michael Jackson. It was in
the presence of two witnesses. In the presence of
Simone and in the presence of Aldo, the younger
sister and younger brother of Frank Cascio. They
weren't called to say it didn't happen. And both of
these boys knew certainly at the time that they gave
this information to law enforcement that this is
information that could be contradicted by these
three witnesses, who certainly have no loyalty to
them, and have quite a loyalty to their older
brother Frank, who is one of Michael Jackson's
closest friends again.
Why would they include the presence of
witnesses who would be able to say that it didn't 13030

happen? And more significantly, why didn't they
come to court to say it didn't happen? That
information is not contested.
DNA evidence.
Let me talk to you a little bit about that,
because you need to understand the extent to which
this really is a red herring in this case.
He says we didn't look for hairs or fibers.
Hairs or fibers would reveal nothing.
Fibers, they talk about. They call that trace
evidence. And what they mean is it traces back to a
particular source. Fibers would be things like
unusual fiber from clothing found at a location
which would tend to suggest that that person had
been at that location, if it's unusual fiber from
clothing.
We know these boys were inside that house.
Everybody says they were inside that house. Fibers
would lend no relevance to this case whatsoever.
Not only do we know they were inside this house, but
they can describe every foot of his residence. They
spent the better part of five weeks at that
residence.
Hair, same thing. The presence of hair
wouldn't be particularly interesting to you, because
all that means is that they were in the room and
they left hair behind. We already know they were in
the room. 13031

DNA. DNA isn't going to be particularly
interesting for you unless it's DNA from his semen.
Because then what we're saying is that they
ejaculated in that room, or one of them did. And
now that tells us that there's sexual activity in
the room, and that would be relevant, and that's
what we were looking for when we took the mattress
and looked to see if we could find his DNA on the
mattress.
Now, given his statement, what's the
likelihood of that happening? His statement as to
when he ejaculated, if at all, was lying on top of
the bed and he was being masturbated inside his
clothing, which means the ejaculation would have
occurred inside his clothing. To find it on the
mattress, we would have to have had a liquid seepage
through his clothing, through the blankets, and
through the sheets, through the mattress pad and
into the mattress, nine months earlier.
In other words, that there wouldn't have
been any sheets washed in nine months. There
wouldn't have been blankets changed or washed in
nine months. And in fact, it would have escaped his
own clothing in that particular period of time.
That is a long shot. That is a long shot.
I guess the equivalent would be to say if any adult
couple had sex in a hotel room, what is the
likelihood that there would be DNA found from that 13032

activity nine months later in that hotel bed? And
the answer is not likely. Not likely.
But we looked anyway.
So the question is, does that mean that
there wasn't a molestation? The answer is no. It
simply means we didn't find ejaculate at that time.
He either did or didn't get to that stage.
Let me just say a word about Mr. Jackson's
finances, because that was brought to your attention
by Mr. Jackson (sic). He said that there were
people who took advantage of him and that was why
his finances were in trouble.
No, that's not why. His finances were in
trouble because he was living a much too extravagant
lifestyle that he couldn't afford. He had been
going on -- he had been going on with a loss of $20
to $30 million a year that our forensic accountant
was able to trace back to 1999, and likely earlier
behind that, because you don't start $20 to $30
million a year deficit.
He was running on a credit card,
effectively, through a bank. And it was getting
larger and larger and larger and larger. And as of
the time of the filming of "Living with Michael
Jackson," he was $270 million in debt. Mortgaged --
Neverland was mortgaged to the tune of $18 million,
and he owed $10 million to his vendors. In other
words, the people who supply services and products 13033

for Mr. Jackson and to his family, he owed them $10 million.
This had nothing to do with people taking advantage of him. This had to do with him living an extravagant lifestyle that he couldn't afford. One that he could afford 20 years earlier but can't afford today and couldn't afford in 2003.
And then all of a sudden, this disaster comes along. And Mr. Mesereau says all celebrities deal with public affairs disasters. They take care of it. They deal with it. They do some kind of something. They hire a PR person and everything is just fine.
And the answer is, no, it doesn't really work that way.
Because in this case, what he is accused of is child sexual abuse. And that is a disaster for any performer. That's not the equivalent of a disaster that includes getting caught with drugs, as many of them are. Or getting caught drunk driving, as many of them are. Or getting caught having an affair, as many of them are, which sometimes actually enhances their career. Nobody benefits from being accused of molesting a child. Nobody benefits from that.
He said that there were people who were stealing from him. Marc Schaffel. Marc Schaffel is not somebody that you would want to admire. Nobody 13034

who works in the sex trade business or industry should be admired, frankly. But there's no evidence that anybody stold from Michael Jackson. And we have the accounting of all the funds that came in, and all the funds are accounted for and distributed appropriately. Two million dollars of that goes to an attorney by the name of Mr. Finkelstein in New York, who set up an account on behalf of Michael Jackson. That is his share of all of that. All of the other money is properly accounted for. If they had a question about it, they could have brought a forensic accountant in here to tell you that, in fact, somebody was stealing. There's no evidence that anybody was ever stealing from Michael Jackson. Not the Germans, not Marc Schaffel, not anybody else who was associated with him, Frank or Vinnie. Now, with one exception. There's an inventory that you have in evidence, and that inventory of expenses that are credited to Janet Arvizo, which she says she did not incur all of that, as you look at that interview, go to the very last page of -- the inventory, excuse me. Go to the very last page of the inventory and look at the last few dates and notations. You will find that Janet Arvizo and her family were taken out to dinner. They were taken out -- there were a 13035

couple different dinners. I don't remember the restaurants at this time. But you will -- as soon as you see it, you'll understand; that those dinners were at a time that Janet Arvizo was in Los Angeles back with Jay, and the kids were at Neverland. In other words, they never took anybody out to dinner. So they were obviously padding the expense account on that. You'll be able to see that as soon as you look at it. That's really the only indication, a few hundred dollars that may have gone to Vinnie or Frank, that they thought would have otherwise been Marc Schaffel's. I don't think they would have stolen from Michael Jackson. Frank was very close to him and very akin to him.
Did you want to take a break at this time?
This would be a good time.
THE COURT: All right. We'll do that.
(Recess taken.)
THE COURT: Go ahead, Counsel.
MR. ZONEN: Thank you, Your Honor.
Ladies and gentlemen, we left off before the break, we were talking about Mr. Jackson's finances, his state of financial peril, what was going on at the time on the 3rd, and then what happened thereafter and the fact that there was a great deal of money that had been generated. None of that money went to pay any of his creditors. That money was deposited on his behalf. There was over two 13036

1 million dollars that went to an account in New York
2 on his behalf. There was an additional
3 one-million-dollar check that was cashed for cash.
4 And that was done on the 2nd of April and that was
5 for Michael Jackson as well.
6 There was all indication that he was in no
7 way being victimized by anybody who was working for
8 him. There were probably plenty of people who were
9 working for him who are vying for higher positions
10 on that ladder and who wanted to be a little closer
11 to Michael Jackson, because that's a profitable
12 place to be, certainly. But there's no indication,
13 no evidence, when there could have been, that there
14 was thievery going on or any stealing from Michael
15 Jackson at all.
16 Jason Francia. Jason Francia, as we had
17 talked about earlier, young man, deeply religious
18 young man, with a great deal of difficulty
19 testifying on the witness stand, questioned on many
20 occasions by Mr. Mesereau asking about
21 "inappropriate tickling," much in the same way that
22 he referred to the conduct with Jason Francia as
23 "inappropriate tickling" in his closing argument.
24 Jason, you will remember eventually on
25 cross-examination in some degree of exasperation,
26 finally said, "You mean when he played with my
27 balls?" was the answer.
28 This was, to Jason Francia, not 13037

inappropriate tickling. It was child molestation.
He may not have understood that at age ten, but he most assuredly understands it at age 24, and I believe all of you do as well.
There was a lot of commentary, of course, about Janet Arvizo and the kids all lying, because they said they had not talked with one another about this case, and particularly that Janet Arvizo was lying when she talked about holding hands, her son holding hands with Michael Jackson.
That's not inconsistent. Janet Arvizo testified that she had seen clips on television, on the news, of that documentary. She never watched the documentary, but she had seen clips. And many of those clips featured her son, who she said she recognized, and depicted particularly that one scene of him resting the head on the shoulder and holding the hands of Michael Jackson. She certainly would have known about that without having watched the actual documentary.
As well, the kids having testified that they did not discuss their testimony with one another, they've been instructed not to discuss their testimony with one another. That is not unusual either. And in fact, is consistent with everything that you had heard, that kids don't like talking about such things. Rarely tell their family, rarely tell their parents. Rarely discuss the intimacies 13038

of those kinds of details.
Now, it's a rather vague question, but the question is, "Did you discuss the case with other people?" Does that mean did you discuss what you were going to wear for court, or whether you had to be in court, or whether you had to be in Santa Maria, or whether you could be back at home? That's discussing the case on some level. And certainly to that extent, they probably had discussions. It's a very vague question.
But the question of whether or not they actually sat down and talked about their testimony, what they were asked or what they said, they were asked not to do that, and in all likelihood they didn't. That's not necessarily the type of thing they want to rush into.
Janet Arvizo is not the sophisticate that Mr. Mesereau would like you to believe. She's a person who's not well educated, does not speak well, does not present well, does not function necessarily well in the workplace, as a victim of 16 years of domestic abuse. And you see it. You see it in how she presents. You see it in her personality.
The notion that she is sophisticated enough that she would be able to come into court and stage this kind of vast fraud, including all of the details that we've talked about in the course of this trial, I mean, the details that can easily be 13039

1 disputed, if in fact it was made up, who was present
2 at different times, different things, different
3 pieces of information or evidence, the fingerprints
4 on the sexually explicit magazines, the presence of
5 the doll. I mean, to be able to keep straight such
6 things as him presenting himself naked on a
7 particular occasion. They don't exaggerate it.
8 They don't exaggerate it at all. They simply say,
9 "He came in; he had no clothes on."
10 At one point he said, "This is natural.
11 It's okay." Exactly the type of thing that you
12 would expect in a grooming process.
13 Nothing is exaggerated. Nothing is made up.
14 The amount of detail that went into their testimony
15 as they were on the witness stand for days at a
16 time, and subjected to days of cross-examination -
17 days - you got treated to about ten minutes of
18 inconsistent testimony out of two days of
19 cross-examination and three days of total testimony
20 as to each one of those children. And Janet Arvizo
21 was on the witness stand for four days. That's a
22 combined 13 days of testimony. And you got about
23 40 minutes of inconsistent statements out of 12 days
24 of testimony.
25 Their testimony was really rather remarkably
26 consistent and it made sense, given what we know.
27 It made sense, given the level of corroboration that
28 we've been able to establish. We found the 13040

passports. We found all of the documentation. Ultimately the passports were in Mr. Geragos's office, something that he did not talk about in his closing argument, Mark Geragos, for good reason. We found all of the documentation of the visas, found all of the documentation. Everything that she was saying that had happened we were ultimately able to confirm. That she left the ranch at two o'clock in the morning we were able to confirm from the logs. That it was Jesus who took her out we were able to confirm from the logs.

As you go through your deliberations, you stop and ask yourself, with every single piece of information, how could they make that up? How could they make that up and keep the story straight like that?

She doesn't have that level of capability. Janet Arvizo, frankly, can't string two consecutive sentences together that make sense. But yet she is somehow going to convince her children to engage in this elaborate fraud because they might someday make a lot of money, and we know that's not true.

In fact, Larry Feldman and Kris Kallman both gave testimony that they settled those cases back in 1993, before the advent of the criminal investigation, which would make sense. Michael Jackson's running out of money anyway.

Now, it took some effort to go ahead and get 13041

this family to Santa Barbara. And in fact, the testimony of Steve Robel on the witness stand was this: “You have victims that are terrified in coming forward to law enforcement. That is to reassure them that they are not the suspects or they’re not the victims in this case.”
And he goes on to say, “And I was reassuring them through that and letting them know that they are doing the right thing, because they are terrified when they come forward. And it took us about two weeks to get them to come forward and up here to be interviewed.”
Now, that is not the sign or the indication or the behavior of a family that is looking to, quick, grab the spotlight and cash this into money. It is a family that’s frightened about taking on Michael Jackson and all who work for him, and subjecting themselves to this kind of ordeal.
And now I’d like to play for you about six minutes and 40 seconds of that first interview where he discloses what happened to him.
MR. AUCHINCLOSS: “Input 4.”
MR. ZONEN: Your Honor, “Input 4,” please.
(Whereupon, a portion of a DVD, People’s Exhibit 900, was played for the Court and jury.)
MR. ZONEN: You just witnessed the seven worst minutes of this young man’s life, 13 years old, and you saw him disclose for the first time 13042

that he had been molested by Michael Jackson, a person that he had been close to, a person that he had loved, a person who had been a very important person in his life.

Mr. Mesereau has told you that that child made all that up and that is all an act; that's a product of having been in an acting class some number of years prior. I'm telling you that your common sense will tell you otherwise.

This is an absolutely sincere revelation by this child that he had been sexually abused by a man that he had been previously close to. And his behavior here is completely consistent with exactly what you would expect a child to endure in disclosing this kind of offense.

Ladies and gentlemen, my closing argument is concluded. I'm telling you now that, as you go back in deliberation, you're going to discover something. You're going to discover, as the 12 of you get together and begin your deliberations, that the collective wisdom that you're going to generate far exceeds the sum of its parts. You're going to find it amazing, when you start talking among yourselves and looking at the evidence, as you'll have to do, the revelations for you, what you'll be able to discover in this case that you had previously not even thought about, and you'll find that it will be quite possible to achieve justice in this case. 13043

And you will find, as you deliberate, that these accusations are not false; that these accusations are entirely accurate, entirely appropriate, and in fact entirely truthful.
And we'll ask you to go back and begin your deliberations in this case and return guilty verdicts as to all counts against Michael Jackson.
Thank you.
THE COURT: Thank you, Mr. Zonen.
I have not intended, by anything I have said or done, or by any question that I have asked, or by any ruling that I may have made, to intimate or suggest what you should find to be the facts, or that I believe or disbelieve any witness.
If anything I have done or said has seemed to so indicate, you will disregard it and form your own conclusion.
The People and the defendant are entitled to the individual opinion of each juror. Each of you must consider the evidence for the purpose of reaching a verdict, if you can do so.
Each of you must decide the case for yourself, but should do so only after discussing the evidence and instructions with the other jurors. Do not hesitate to change an opinion if you are convinced it is wrong. However, do not decide any question in a particular way because a majority of the jurors or any of them favor that decision. Do 13044

not decide any issue in this case by the flip of a coin or by any other chance determination. The attitude and conduct of jurors at all times are very important. It is rarely helpful for a juror at the beginning of deliberations to express an emphatic opinion on the case or to announce a determination to stand for a certain verdict. When one does that at the outset, a sense of pride may be aroused, and one may hesitate to change a position, even if shown that it is wrong. Remember that you are not partisans or advocates in this matter. You are the impartial judges of the facts. During deliberations, any question or request you may have should be addressed to the Court on a form that will be provided. If there is any disagreement as the actual testimony, you have the right, if you choose, to request a read-back by the reporter. You may request a partial or total read-,back. But any read-back should be a fair representation of that evidence. If a read-back of testimony is requested, the reporter will delete objections, rulings and sidebar conferences so that you will hear only the evidence that was actually presented. Please understand that counsel must first be contacted and it may take time to provide a response or read-back. 13045

Continue deliberating until you are called back into the courtroom.
Do not disclose to anyone outside the jury, not even to me or any member of my staff, either orally or in writing, how you may be divided numerically in your balloting as to any issue, unless I specifically direct otherwise.
In this case, the defendant has been charged with one count of conspiracy, four counts of lewd act upon a child, one count of attempted lewd act upon a child, and four counts of administering an intoxicating agent to assist in the commission of a felony, all felonies.
You will be given separate verdict forms encompassing each of the charged crimes, and forms on which to record certain special findings in connection with Counts 1 and 2 through 5.
Since the lesser offense is included in the greater, you are instructed that if you find the defendant guilty of the greater offenses, you should not complete the verdict on the corresponding lesser offense, and that the verdict should be returned to the Court unsigned by the foreperson.
If you find the defendant not guilty of the felonies charged, you then need to complete the verdict on the lesser-included offense by determining whether the defendant is guilty or not guilty of the lesser-included crime, and the 13046

corresponding verdict form should be completed and returned to the Court signed by the foreperson. You shall now retire and select one of your number to act as a foreperson. He or she will preside over your deliberations. In order to reach verdicts, all 12 jurors must agree to the decision and to any finding you have been instructed to include in your verdict. As soon as you have agreed upon a verdict, so that, when polled, each may state truthfully that the verdict expresses his or her vote, have them dated and signed by your foreperson. A caveat there. The foreperson would place their number as their signature, not actually their name. When you reach a verdict as to any particular count, place all verdict forms for that count in a sealed envelope, which will be held by the clerk until verdicts on all counts have been reached. At that time, the sealed verdicts will be returned to the foreperson, and the jury will return with them to this courtroom. Also return any unsigned forms. Before and within 90 days of your discharge as a juror in this matter, you must not request, accept, agree to accept or discuss with any person receiving or accepting any payment or benefit in consideration for supplying any information 13047

concerning the trial.
It's the next one.
You must promptly report to the Court any
incident within your knowledge involving an attempt
by any person either to improperly influence any
member of this jury or to tell a juror his or her
view of the evidence in this case.
You will be permitted to separate during
recesses and in the evening. During your absence,
the courtroom will be locked. You are to return
following the recess and following the evening
recess on the next succeeding court day.
During periods of recess you must not
discuss with anyone any subject connected with this
trial, and you must not deliberate further upon the
case until all 12 of you are together and
reassembled in the jury room. At that time you
shall notify the clerk or bailiff that the jury has
reassembled and then continue your deliberations.
As to the alternate jurors, you are still
bound by the admonition that you are not to converse
among yourselves or with anyone else on any subject
connected with this trial, or to form or express any
opinion on this until the case is submitted to you,
which means until such time as you are substituted
in for one of the 12 jurors not deliberating on the
case.
This also means that you are not to decide 13048

how you would vote if you were deliberating with the other jurors.
Now, we have quite a bit of evidence accumulated behind the clerk there. What I'm going to ask you to do, the 12 of you who are going to start deliberations, is to go into the jury room and select your foreperson. Once the foreperson has been selected, notify the bailiff, and then we will have the evidence brought to the jury room.
The foreperson will be responsible for keeping the evidence in its numerical order, in the boxes, so that it will be easy for the staff to ascertain that all the evidence is there at the end of each deliberating period.
For the alternates, we are going to call you when the jury advises us that they have reached verdicts, and give you the opportunity to come back and sit in the audience and hear the verdict. We will allow a little over an hour. I know some of you don't live in this community. We'll give you time, but we're not going to be waiting beyond -- if we called your home or the number that you've left us to call and you weren't there and you weren't available, we will not be looking for you or waiting for you. Do you understand? We will call and give you the opportunity to be here.
I want to thank all of the alternates. You are not released. You understand that you may still 13049

be called if we had to replace a juror for any reason. It's very important that you keep the pledge that you've made and not talk to anyone until after the verdicts are returned.
THE BAILIFF: Judge?
(Off-the-record discussion held between the bailiff and the Court.)
THE COURT: For the jury that's going to be deliberating, you will deliberate during the normal hours that we were holding court, so from 8:30 to 2:30 will be your deliberations. I would like you to take your breaks at the same time as you were taking breaks. And there's a reason for this. It has nothing to do with you, but it has to do with the whole rest of the Court.
The reason we ran such a strict schedule was the other courtrooms have to shut down. So many things happened that are not you, it's the rest of the whole system that we have to rely on. They have to rely on us operating on a certain time zone to take care of their ongoing business.
So I'd appreciate it if you would do that.
All right. I'm going to allow all of you to go out this way, because I assume that some of the alternates have personal belongings that they need to pick up. And then after the alternates have departed, then you may start your deliberations.
THE BAILIFF: Judge, you need to swear the 13050

bailiff.
THE COURT: All right. Would you swear the bailiff, please?
THE CLERK: Do you and each of you solemnly swear that you will keep the jury together in a private and convenient place, and do not speak to them or to allow anyone else to do so, except to ask them if they have agreed upon a verdict, and to return them into court when they have done so or upon the instructions of the Court, so help you God?
BAILIFF AVILA: I do.
BAILIFF CORTEZ: I do.
THE CLERK: Thank you.
(Whereupon, the jury retired to its deliberations at 12:20 p.m.)

(The following proceedings were held in open court outside the presence and hearing of the jury:)

THE COURT: Counsel, a couple of items: Number one, I need you to be available within ten minutes of the court in case there's a request for information from the jury or instructions. I need you to give your phone number to the clerk where you will be during the deliberations. Keep her informed of your phone 13051

number of where you are at all times during the deliberations.
Mr. Jackson, I have no problem with you being at your residence on Figueroa Mountain.
Mr. Mesereau, is an hour sufficient time for him to come for a verdict?
MR. MESEREAU: I think so, Your Honor.
Yes. Yes, it is, Your Honor.
THE COURT: If you were slightly delayed, I would rather be slightly delayed than to be -- you know, have you rush too fast. But I want -- that is a reasonable time?
MR. MESEREAU: Yes, Your Honor.
THE COURT: Okay. Is there an agreement with the attorneys that if, after the -- if the jury requests that testimony be reread, that after we meet and agree on what should be read to them, that the court reporter may go into the jury room and read the material, the requested material?
MR. SANGER: Your Honor, I would say that we would probably agree to that, but I'd like to reserve that until we have the discussion, which we would have anyway. I would assume it would be okay, but I'd like to know what it's about.
THE COURT: All right.
MR. SNEDDON: It's fine with us.
THE COURT: All right. Is there any matter either side would like to take up at this time? 13052

MR. SNEDDON: Judge, I would like to know what the procedure is going to be at the end of the day at 2:30.
Do you require counsel to be present when the jury is discharged or do you intend to just let them go at that point with an admonition?
THE COURT: I would request that counsel stipulate that the jury can convene and reconvene without your presence, my presence and without further admonition.
MR. SANGER: Yes.
MR. SNEDDON: That's fine on our part, Your Honor.
MR. SANGER: Yes, Your Honor.
THE COURT: And if there is any request to change their hours, I will notify everybody as soon -- what I'm thinking of is that they might ask on a particular day to come in later or to leave early or something. I know some graduations are going to be taking place. Some of the jurors have undoubtedly -- might ask for that time. But if something like that happens, I'll inform you so you know you don't have to remain available during a period when you're not needed.
MR. SANGER: Thank you, Your Honor.
THE COURT: All right. Is there anything else?
MR. MESEREAU: No, Your Honor. 13053

1 MR. SANGER: No, sir.
2 THE COURT: This Court is in recess.
3 (The proceedings adjourned at 12:30 p.m.)
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REPORTER'S CERTIFICATE

THE PEOPLE OF THE STATE)
OF CALIFORNIA,)
Plaintiff,)
-vs-) No. 1133603
MICHAEL JOE JACKSON,)
Defendant.)

I, MICHELE MATTSON McNEIL, RPR, CRR, CSR #3304, Official Court Reporter, do hereby certify:

That the foregoing pages 12932 through 13054 contain a true and correct transcript of the proceedings had in the within and above-entitled matter as by me taken down in shorthand writing at said proceedings on June 3, 2005, and thereafter reduced to typewriting by computer-aided transcription under my direction.

DATED: Santa Maria, California, June 3, 2005.

MICHELE MATTSON McNEIL, RPR, CRR, CSR #3304